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ENGINEERS LICENSE LAWS



Compiled by the
AMERICAN ASSOCIATION OF ENGINEERS
63 East Adams Street
CHICAGO

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ENGINEERS LICENSE LAWS

COPIES OF THE ACTS IN THOSE STATES IN WHICH
ALL-INCLUSIVE LICENSE LAWS FOR PROFESSIONAL
ENGINEERS HAVE BEEN ENACTED.



FEBRUARY, 1922

Compiled by the
AMERICAN ASSOCIATION OF ENGINEERS
63 East Adams Street
CHICAGO

PRICE 50 CENTS

COUNCIL OF STATE BOARDS OF ENGINEERING EXAMINERS

In order to unify the standards and requirements of the various state laws, there has been formed an Interstate Council which holds one meeting a year. This Council is known as the "Council of State Boards of Engineering Examiners," and its object is to simplify the procedure of obtaining reciprocal licenses, and to standardize the procedure under which licenses will be granted.

The next meeting of the Council will be held in Chicago in October, 1922. The following are the officers of the Council:

President—C. S. HAMMATT,
215 East Bay Street, Jacksonville, Fla.

Vice President—ALVIN LEVAN,
406 Flynn Building, Des Moines, Ia.

Secretary—R. G. HOSEA,
121 State Capitol, Denver, Colo.

FOREWORD

THIS compilation of exact copies of license laws in various states is one of the evidences of the practical efforts of the American Association of Engineers toward the enactment of satisfactory registration laws for professional engineers in all states in the Union. In 1920, the American Association of Engineers issued a pamphlet containing copies of the laws in Florida, Iowa, Michigan, New York, and Virginia. Since then local chapters and members of the Association have been instrumental in obtaining the enactment of laws in eight additional states.

Exact copies of the sixteen all-inclusive laws now in force in the United States are reprinted here.

In California, Idaho, Illinois, and Wyoming, there are laws regulating engineering in some degree, but these laws are omitted because they are not all-inclusive. The important points of the laws in these four states are as follows:

CALIFORNIA

California has a law for registration of land surveyors which requires all county surveyors or candidates for that office to be licensed land surveyors.

IDAHO

Idaho has a law for the registration of civil engineers. Civil engineering is defined as the practice of any branch of the profession other than mining, metallurgical, or military. Civil engineering under the Idaho law embraces the design and supervision of the construction of all private or public utilities except those in connection with mining operations. The requirements of the State University of Idaho for the degree of Civil Engineer are adopted as the standard. Citizenship in the United States is not required. Examination is required for all applicants except those from other states. The fee for residents is \$10, for non-residents, \$25; and for renewals, \$2 annually. A non-resident practitioner may be granted a certificate without examination if licensed or registered in another state where the minimum requirements

are not less than those of Idaho. Engineers working for the United States Government and non-resident engineers entering the state for consultation are exempt from the act.

ILLINOIS

The Illinois law for the registration of structural engineers is administered by the Director of Registration and Education. This act covers the designing and supervision of the construction, enlargement, or alteration of structures. Structures are defined as having foundations, columns, girders, trusses, arches, and beams, with or without other parts, and this includes structures for electrical power plants, bridges, blast furnaces, water-works, sewage disposal plants, roundhouses, pumping plants, and all structures defined as buildings. The fee for examination for certificate is \$10, for certificate of registration, \$5; for examination to determine preliminary education, \$5; for restoration of an unexpired certificate, \$5; for certificate to one who holds a certificate from another state, \$15; and for renewal of certificate, \$1 annually. A non-resident structural engineer licensed in another state may be registered if the requirements for licensing in that state are substantially equal to those of Illinois.

WYOMING

In Wyoming there is a law regulating the practice of surveying and engineering relating to drainage, highway, municipal, county, or state projects; surveying of property lines or rights of way; or preparation of applications for permits for use of water. The fee for examination is \$10 and for certificate without examination \$5. Those in United States Government engineering work are exempted. Reciprocity is not provided.

* * * * *

It is interesting to note that in British Columbia the licensing of professional engineers is under the auspices of an Association of Engineers officially created and designated by the laws of the Dominion of Canada. This Association is known as the Association of Professional Engineers of the Province of British Columbia.

In the Act to Incorporate the Association of Professional Engineers of the Province of British Columbia professional engineering is defined as follows:

"The 'Practice of Professional Engineering' means the carrying on for hire, gain, or hope of reward of any branch of Civil, Mining, Mechanical, Electrical, Chemical, or Structural Engineering, and shall be deemed to include reporting on, designing, or directing the construction of public utilities, industrial works, railways, bridges, highways, canals, harbour works, river improvements, lighthouses, wet docks, dry docks, floating docks, launch ways, marine ways, steam engines, turbines, pumps, internal combustion engines, air ships and aeroplanes, electrical machinery and

apparatus, chemical operations, machinery, and works for the development, transmission or application of municipal works, irrigation works, water works, water purification plants, sewage disposal works, drainage works, incinerators, hydraulic works and all other engineering works, and all buildings necessary to the proper housing, installation, and operation of the engineering works embraced in this section."

Surveyors are excluded from the Act. All persons registered as professional engineers under the provisions of this Act are members of the Association; and only members of the Association are privileged to use the title of Professional Engineer and to engage in the practice of professional engineering in the Province of British Columbia.

Additional information can be obtained by writing E. A. Wheatley, Secretary-Treasurer, 930-1 Birks Building, 718 Granville Street, Vancouver, B. C.

This compilation of license laws is intended primarily for the use of engineers who desire to practice engineering in more than one state; and also for the assistance of those engaged in the preparation of a law in those states where engineers are not registered.

The compilation was made by R. C. Bailey and Miss C. Kluetsch. The book is sold at the cost of printing.

C. E. DRAYER, Secretary,
American Association of Engineers.

Chicago, Illinois, February 15, 1922.



Map showing progress of the licensing legislation in the United States.

STATE OF ARIZONA

ARIZONA STATE BOARD OF REGISTRATION FOR ARCHITECTS, ENGINEERS, LAND SURVEYORS AND ASSAYERS

Chairman—G. M. BUTLER, University Station, Tucson, Arizona.

Vice-Chairman—L. M. FITZHUGH, 206 Home Builders Building, Phoenix, Arizona.

Secretary—L. B. HITCHCOCK, Room 7, City Hall, Phoenix, Arizona.

A. T. COSTON, Clarkdale, Arizona.

R. W. LESCHER, Phoenix, Arizona.

W. O. WITHERSPOON, Box 442, Warren, Arizona.

J. B. LYMAN, 76 North Stone, Tucson, Arizona.

THE ARIZONA LAW

Approved March 9, 1921

AN ACT

TO REGULATE THE PRACTICE OF THE PROFESSIONS OF ARCHITECTURE, ASSAYING, ENGINEERING AND LAND SURVEYING; PROVIDING FOR THE CREATION OF A BOARD OF EXAMINERS AND GRANTING TO SAID BOARD CERTAIN POWERS AND PRESCRIBING ITS DUTIES, AND PROVIDING FOR THE REGISTRATION OF AND THE ISSUANCE OF CERTIFICATES OF REGISTRATION TO PROFESSIONAL ARCHITECTS, ASSAYERS, ENGINEERS AND LAND SURVEYORS; REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. In order to safeguard life, health and property, any person practicing or offering to practice as an architect, a professional engineer, a land surveyor or an assayer in this state shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided, and from and after six months after this Act become effective, it shall be unlawful for any person to practice or to offer to practice in this state, as an architect, a professional engineer, hereinafter called engineer, a land surveyor or an assayer, except under the provisions of this Act.

Sec. 2. Nothing in this Act shall be construed as requiring registration by an individual, firm or corporation for the purpose of practicing architecture, engineering, land surveying, or assaying on property owned or leased by said individual, firm or corporation, unless the same involves the public safety or health; nor as requiring registration by any person, who prior to the time of the passage of this Act was engaged in the practice of architecture, engineering, land surveying or assaying provided, however, such person shall not represent himself as or use the title of "Registered Architect," "Registered Professional

Engineer," "Registered Land Surveyor" or "Registered Assayer" unless such person is qualified by registration under this Act.

Sec. 3. To carry out the provisions of this Act, there is hereby created a State Board of Registration, hereinafter called the Board, consisting of seven members, each a citizen of the United States, six of whom shall be appointed by the governor within sixty days after this Act becomes effective. The dean or the acting dean of the College of Mines and Engineering at the University of Arizona shall be ex-officio a member of said Board. Each of the remaining six members of the Board shall be a professional architect, engineer or assayer, as defined in this Act, and it shall be incumbent upon the governor to see that the Board is at all times made up of representatives of the greatest possible diversity of professions or vocations covered by this Act. Two of the members of the Board first appointed shall hold office for a term of one year, two shall hold office for a term of two years, and two shall hold office for a term of three years from the 1st day of July following the passage of this Act. Upon the expiration of each of said terms, the term of office of each member thereafter appointed shall be three years. The term of office of the six members first appointed to the Board shall be decided by drawing lots at the first meeting of said Board. Each member of the Board shall continue to serve thereon after the expiration of his term until his successor has been duly appointed and has qualified. The Governor may remove any member of the Board for misconduct, incapacity, or neglect of duty. Vacancies in the Board caused by death, resignation, removal from the state or any other cause, shall be filled by appointment by the Governor for the unexpired term. Each member of the Board shall have had at least five years of actual experience and shall be of recognized good standing in his profession or vocation, and shall be of at least thirty-five years of age, and shall have been a resident of this state for at least three years immediately preceding his appointment. Each appointed member of said Board, excepting the member first appointed hereunder, must also have been registered under this Act.

Sec. 4. Each member of the Board shall receive a certificate of appointment from the governor, and before beginning his term of office he shall file with the secretary of state the constitutional oath of office. Each member of the Board first created shall receive a certificate of registration under this Act from the governor of the state. The Board or any committee thereof shall be entitled to the services of the Attorney-General, in connection with the affairs of the Board, and the Board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted; and shall make all by-laws and rules not inconsistent with law needed in performing its duty.

Sec. 5. The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect annually from its members a chair-

man, a vice-chairman and a secretary. A quorum of the Board shall consist of not less than four members, of whom two shall be architects and two engineers.

Sec. 6. The secretary of the Board shall receive and account for all moneys derived from the operation of this Act and shall pay them to the State Treasurer, who shall keep such moneys in a fund to be known as the "Fund of the Board of Registration for Architects, Engineers, Land Surveyors and Assayers," which fund shall be continued from year to year and shall be drawn against only for the purposes of this Act as herein provided.

Each member of the Board shall be reimbursed for all necessary traveling, incidental and clerical expenses incurred, in carrying out the provisions of this Act. All expenses certified by the Board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, shall be paid out of said fund on the warrant of the auditor of the state issued on requisitions signed by the chairman and the secretary of the Board; provided, however, that at no time after this Act shall have been in effect for one year shall the total of warrants issued exceed the total amount of funds accumulated under this Act. The secretary of the Board shall give a surety bond satisfactory to the State Treasurer conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the Board.

Sec. 7. The Board shall keep a record of its proceedings and a register of all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a certificate of registration granted, and the date of such action. The books and register of the Board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered architects, engineers, land surveyors and assayers, shall be prepared by the secretary of the Board during the month of..... of each year. Such roster shall be printed out of the funds of the Board as provided in Section 6.

On or before the 1st day of November of each year the Board shall submit to the Governor a report of its transactions for the preceding year, together with a complete statement of the receipts and expenditures of the Board, certified by the chairman and secretary, and a copy of the said roster or registered architects, registered engineers, registered land surveyors and registered assayers. A copy of this report shall be filed with the Secretary of State.

Sec. 8. The Board shall, on application thereof on prescribed form, and the payment of a fee of fifteen dollars (\$15.00), issue a certificate of registration as an architect or as an engineer, and on the payment of a fee of ten dollars (\$10.00) issue a certificate as a land surveyor or assayer:

1. To any person who submits evidence satisfactory to the Board that he is fully qualified to practice architecture, engineering or land surveying, or assaying; or

2. To any person who submits to the Board evidence that at the time of the passage of this Act he had been practicing as an architect, engineer, land surveyor or assayer for a period of three years prior to the date of the taking

effect of this Act, and during said time had been a bona fide resident of the State of Arizona, and was still at the date of such application a resident of the State of Arizona; or

3. To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia, in any state or territory of the United States, or in any province of Canada, in which the requirements for the registration of architects, engineers, land surveyors or assayers are of a standard satisfactory to the Board;

Provided, however, that no person shall be eligible for registration who is under twenty-five years of age, who is not a citizen of the United States or Canada, or who has not made declaration of his intention to become a citizen of the United States, who does not speak and write the English language, who is not of good character and repute, and who has not been actively engaged for three or more years in architectural, engineering, land surveying or assaying work of a character satisfactory to the Board. However, each year of teaching, or of study satisfactorily completed, of architecture, engineering or assaying in a school of architecture or engineering, or of assaying in a school of mines, of standing satisfactory to the Board, shall be considered as equivalent to one year of such active engagement.

Unless disqualifying evidence be before the Board, the following facts established in the application shall be regarded as prima facie "evidence, satisfactory to the Board," that the applicant is fully qualified to practice architecture, engineering, land surveying or assaying;

(A) Three or more years of active engagement in architectural, engineering, land surveying or assaying work;

(B) Graduation, after a course of not less than four years in architecture, engineering or assaying or land surveying, from a school or college approved by the Board as of satisfactory standing, and an additional four years of active engagements in architectural, engineering, land surveying or assaying work;

(C) Full membership in the American Institute of Architects, American Institute of Chemical Engineers, American Society of Civil Engineers, American Institute of Electrical Engineers, American Society of Mechanical Engineers, American Institute of Mining and Metallurgical Engineers, Society of Naval Architects and Marine Engineers, American Association of Engineers, or such other National or State architectural or engineering societies as may be approved by the Board, the requirements for full membership in which are not lower than the requirements for full membership in the professional societies or institutes named above.

Applicants for registration, in cases where the evidence originally presented in the application does not appear to the Board conclusive or warranting the issuance of a certificate, may present further evidence, which may include the results of a required examination, for the consideration of the Board.

In case the Board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the Board to the applicant.

Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary of the Board to

notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of five dollars (\$5.00) for architects and engineers and a similar fee for land surveyors and assayers. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of December shall be increased 10 per cent for each month or fraction of a month that payment for renewal is delayed; provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

Sec. 9. The Board shall have the power to revoke the certificate of registration of any architect, engineer, land surveyor or assayer registered hereunder who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence, incompetency or misconduct in the practice of architecture, engineering, land surveying or assaying. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any architect, engineer, land surveyor or assayer registered hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the Board. Such charges, unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the Board. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such services cannot be effected thirty days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him and to produce evidence and witnesses in his defense. If after said hearing five or more members of the Board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of architecture, engineering, land surveying or assaying, the Board shall revoke the certificate of registration of the accused.

The Board may reissue a certificate of registration to any person whose certificate has been revoked, provided five or more members of the Board vote in favor of such reissuance for reasons the Board may deem sufficient.

The Board shall immediately notify the Secretary of State and the clerk of each county, town, and city in the state of its findings in the case of the revocation of a certificate of registration or of its reissuance of a revoked certificate of registration.

A new certificate of registration to replace any certificate lost, destroyed or mutilated, may be used, subject to the rules and regulations of the Board. A charge of one dollar shall be made for such reissuance.

Sec. 10. The issuance of a certificate of registration by this Board shall

be evidence that the person named therein is entitled to all the rights and privileges of a registered architect, a registered engineer, a registered land surveyor or a registered assayer while the said certificate remains unrevoked or unexpired.

Each registrant hereunder may upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend, "Registered Architect," "Registered Professional Engineer," "Registered Land Surveyor," or "Registered Assayer." Plans, specifications, plats and reports issued by a registrant may be stamped with the said seal during the life of registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked unless said certificate shall have been renewed or reissued.

Sec. 11. Any person who after this Act has been in effect six months is not legally authorized to practice as an architect, an engineer or a land surveyor or assayer in this state according to the provisions of this Act and shall so practice, or offer so to practice in this state, except as provided in Section 12 of this Act, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the Board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor, and shall for each such offense of which he is convicted be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for three months, or by both fine and imprisonment. However, nothing in this Act shall be construed as excluding any registered architect from the practice of engineering or as excluding any registered engineer from the practice of architecture.

Sec. 12. The following shall be exempted from the provisions of this Act:

1. Offering to practice in this state as an architect, an engineer, a land surveyor or an assayer, by any person not a resident of and having no established place of business in this state.

2. Practice as an architect, an engineer, a land surveyor or an assayer in this state by any person not a resident of and having no established place of business in this state, when this practice does not aggregate more than thirty days in any calendar year; provided, that said person is legally qualified for such professional service in his own state or county.

3. Practice as an architect, an engineer, a land surveyor or an assayer in this state by any person not a resident of and having no established place of business in this state, or any person resident in this state, but whose arrival in the state is recent; provided, however, such person shall have filed an application for registration as an architect, an engineer, a land surveyor or an assayer and shall have paid the fee provided for in Section 8 of this Act. Such exemption shall continue for only such reasonable time as the Board required in which to consider and grant or deny the said application for registration.

4. Engaging in architectural, engineering, land surveying or assaying work as an employe of a registered architect, a registered engineer, a registered land

surveyor or a registered assayer, or as an employe of an architect, an engineer, a land surveyor or an assayer, authorized by Paragraphs 2 and 3 of this Section, provided that said work may not include responsible charge of design or supervision; or engaging, by a non-resident, in architectural, engineering, land surveying or assaying work as a fulltime employe of an individual, firm or corporation having an established business in this state, of any character, when such practice shall be temporary in character and in no event to exceed a period of ninety (90) days.

5. Practice of architecture, engineering, land surveying or assaying by any person not a resident of and having no established place of business in this state, as a consulting associate of an architect, an engineer, a land surveyor or an assayer registered under the provisions of this Act; provided, the non-resident is qualified for such professional service in his own state or country.

6. Practice of architecture, engineering, land surveying or assaying solely as an officer or as an employe of the United States.

7. Practice of architecture, engineering, land surveying or assaying solely as an employe of this state or any political subdivision thereof, at the time this act becomes effective and thereafter only until the expiration of the then existing term of office of such employe.

8. Designing or executing work of an architectural or engineering character by a person not an architect or an engineer; provided that such person does not represent himself as an architect or as an engineer; and provided further that on drawings, specifications or other documents prepared or issued by such person the title Architect or Engineer shall not be used, nor any other title which might imply that such person is an architect or an engineer.

Sec. 13. A corporation or partnership may engage in the practice of architecture, engineering, land surveying or assaying in this state, provided the person or persons connected with such corporation or partnership in responsible charge of such practice is or are registered as herein required of architects, engineers, land surveyors and assayers, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this Act.

Sec. 14. One year after this Act goes into effect, neither the state nor any county, township, city, town or village nor other political subdivision of the state, shall engage in the construction or maintenance of any public work involving architecture or engineering for which the plans, specifications and estimates have not been made by, and the construction and maintenance supervised by, a registered architect or a registered engineer, provided that nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the completed project does not exceed five thousand dollars (\$5,000.00).

Sec. 15. Land surveying as covered by this Act refers only to surveys for the determination of areas or for the establishment or re-establishment of land boundaries and the subdivisions and platting of land. Nothing in this Act shall be construed as prohibiting registered architects or registered engineers from making land surveys where such surveys are essential to architectural or engineering projects.

Sec. 16. Any unrevoked or unexpired certificate of registration issued as

provided in this Act shall be prima facie evidence in all courts and places that the person named therein is legally registered to practice in the State of Arizona.

Sec. 17. All words used herein importing the masculine gender may also imply as importing the feminine gender.

Sec. 18. Any part of this Act that may be found to be unconstitutional shall not invalidate any other portion of the Act nor the whole thereof.

Sec. 19. All acts or parts of acts in conflict with the provisions of this Act are hereby repealed.

STATE OF COLORADO

COLORADO STATE BOARD OF ENGINEER EXAMINERS

OFFICE—Capitol Building, Denver, Col.

President—FRANK E. SHEPARD, Denver Engineering Co., Denver, Col.
Secretary—ADDISON J. McCUNE, State Engineer, Capitol Building, Denver, Col.
Assistant Secretary—R. G. HOSEA, Capitol Building, Denver, Col.
HERBERT S. SANDS, Westinghouse Electric & Manufacturing Co., Denver, Col.
R. J. GRANT, 632 Humboldt Street, Denver, Col.
H. I. REID, Gazette Building, Colorado Springs, Col.

THE COLORADO LAW

Approved April 5, 1921

CHAPTER 119

ENGINEERING

(S. B. No. 87, by Senators Renshaw and O'Brien, and Messrs. Moore and Vandemoer)

AN ACT

TO REGULATE THE PRACTICE OF PROFESSIONAL ENGINEERING AND LAND SURVEYING, CREATING A STATE BOARD OF EXAMINERS FOR ENGINEERS AND LAND SURVEYORS, PROVIDING FOR LICENSING ENGINEERS AND LAND SURVEYORS, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT AND REPEALING CHAPTER 185 OF THE SESSION LAWS OF COLORADO, 1919.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF COLORADO:

Section 1. In order to safeguard life, health and property, any person practicing or offering to practice engineering or land surveying in this State shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided, and from and after the passage of this Act it shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this State, unless such person has been duly licensed under the provisions of this Act.

Sec. 2. To carry out the provisions of this Act, there is hereby created a state board of examiners for engineers and land surveyors hereinafter called the "board," consisting of five members, four of whom shall be appointed by the Governor within sixty days after this Act becomes effective, and the State Engineer shall be ex-officio the fifth member of the board and shall be Secretary-Treasurer. The members of this first board shall be appointed to serve for the following terms: Two members for one year, two members for three years, said

terms ending on the first day of April of the succeeding years. On the expiration of each of said terms the term of office of each newly appointed or reappointed member of the board shall be for a period of four years and shall terminate on the first day of April. Each member shall hold over after the expiration of his term until his successor shall be duly appointed and qualified. The Governor may remove any member of the board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the board, however created, shall be filled by appointment by the Governor for the unexpired term.

Sec. 3. Each member of the board shall be a citizen of the United States and a resident of this State at the time of his appointment. He shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. He shall be a licensed engineer. Each member shall be reimbursed for all necessary traveling, incidental and clerical expenses incurred in carrying out the provisions of this Act.

Sec. 4. Each member of the board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. The board or any committee thereof shall be entitled to the services of the Attorney General, in connection with the affairs of the board, and the board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The board shall adopt and have an official seal which shall be affixed to all licenses granted and shall make all by-laws and rules not inconsistent with law, needed in performing its duty.

Sec. 5. The board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least four regular meetings each year. Special meetings shall be held as the by-laws of the board may provide and at such places as the board may elect. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect annually at its first meeting after April 1st from its members a chairman and vice-chairman. A quorum of the board shall consist of not less than three members.

Sec. 6. The Secretary of the board shall receive and account for all moneys derived from the operation of this Act and shall pay them to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Fund of the Board of Examiners for Engineers and Land Surveyors," which fund shall be continued from year to year and shall be drawn against only for the purpose of this Act as herein provided and shall not revert to the general fund. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensations and clerical help, shall be paid out of said fund on the warrant of the Auditor of the State issued on requisitions signed by the chairman and secretary of the board; provided, however, that at no time after this Act has been in effect for one year shall the total of warrants issued exceed the total amount of funds accumulated under this Act.

Sec. 7. The board shall keep a record of its proceedings and a register of all applicants for license, showing for each the date of application, name, age,

educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a license granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business of all licensed engineers and land surveyors shall be prepared during the month of November of each year, and kept on file in the office of the Secretary. On or before the 31st day of December of each year, the board shall submit to the Governor a report of its transactions for the preceding year, and shall file with the Secretary of State a copy of such report, together with a complete statement of the receipts and expenditures of the board, attested by the affidavits of the Chairman and the Secretary, and a copy of the said roster of licensed engineers and land surveyors.

Sec. 8. The board shall, on application therefor, on prescribed form and upon the payment of a fee of fifteen dollars (\$15.00), issue a license:

1. To any person who submits evidence satisfactory to the board that he or she is fully qualified to practice engineering or land surveying; or

2. To any person who holds a like unexpired license issued to him or her by proper authority in any State or Territory of the United States, in which the requirements for the licensing of engineers or land surveyors are of a standard satisfactory to the board.

Provided, however, that no person shall be eligible for license who is under twenty-five years of age, or who does not speak and write the English language, or who is not of good character and repute, or who has not been actively engaged for seven or more years in the practice of engineering or land surveying of character satisfactory to the board. However, each year of teaching or of study satisfactorily completed of engineering in a school of engineering of standing satisfactory to the board, shall be considered as equivalent to one year of such active practice.

Unless disqualifying evidence be before the board, the following facts established in the application shall be regarded as prima facie "evidence, satisfactory to the board," that the applicant is fully qualified to practice professional engineering or land surveying.

- (a) Graduation, after a course of not less than four years; in engineering, from a school or college approved by the board as of satisfactory standing, and an additional three years of active engagements in engineering or land surveying, or the active engagement for seven (7) or more years in the practice of engineering or land surveying of a character satisfactory to the Board.

- (b) Applicants for license, in cases where the evidence originally presented in the application does not appear to the board conclusive or warranting the issuance of a license, may present further evidence, which may include the results of a required examination, for the consideration of the board.

In case the board denies the issuance of a license to an applicant, the license fee deposited shall be returned by the board to the applicant.

Licenses shall expire on the last day of the month of December following their issue or renewal and shall become invalid on that date unless renewed. Renewal may be effected at any time prior to March 1st by the payment of a

fee of Five Dollars (\$5.00) to the Secretary of the Board. The failure on the part of any registrant to renew his license annually as required before March 1st shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a license after March 1st shall be increased ten per cent for each month or a fraction of a month that payment for renewal is delayed, provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

Sec. 9. The board shall have the power to revoke the license of any engineer or land surveyor licensed hereunder who is found guilty of any fraud or deceit in obtaining a license or of negligence, incompetency or a misconduct in the practice of engineering or land surveying. Any person may prefer charges of such fraud, deceit, negligence, incompetency, or misconduct against any engineer or land surveyor licensed hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the board. A copy of the charges, together with a notice of the time and place of hearing shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such service cannot be effected thirty days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally or by counsel and to examine witnesses against him or her and to produce evidence and witnesses in his or her defense. If after said hearing three or more members of the board vote in favor of finding the accused guilty of any fraud or deceit in obtaining license or of negligence, incompetency or misconduct in the practice of engineering or land surveying, the board shall revoke the license of the accused.

The board may reissue a license to any person whose license has been revoked, provided three or more members of the board vote in favor of such reissue for reasons the board may deem sufficient.

Sec. 10. The issuance of a license by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed engineer or land surveyor while the said license remains unrevoked or unexpired.

Each licensee hereunder shall obtain a seal or license stamp of the design authorized by the board, bearing the licensee's name and the legend "licensed engineer" or "licensed land surveyor." Plans, specifications, plats and reports issued by a licensee shall be stamped with said seal or stamp during the life of license, but it shall be unlawful for anyone to stamp or seal any documents with said seal after the license of the licensee named thereon has expired or has been revoked unless said certificate has been renewed or reissued.

Sec. 11. Any person who after this Act becomes effective, is not legally authorized to practice engineering or land surveying in this state according to the provisions of this Act and shall so practice, or offer so to practice in this state, except as provided in Section 12 of this Act, or any person presenting or attempting to file as his own under the license of another, or who shall give false

or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of license, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or revoked license, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not more than three months, or by both fine and imprisonment.

Sec. 12. The following shall be exempted from the provisions of this Act.

1. Offering to practice in this State as an engineer or land surveyor, by any person not a resident of and having no established place of business in this State.

2. Practice as an engineer or land surveyor in this State by any person not a resident in this State and having no established place of business in this State (when this practice does not aggregate more than ninety (90) days in any calendar year; provided, that said person is legally qualified for such professional service in his own State or county.

3. Practice as a consulting engineer by any person who is not a resident of this State, provided he is consulting with a licensed resident engineer.

4. Practice as an engineer or land surveyor in this State by any person not a resident of and having no established place of business in this State, or any person resident in this State, but whose arrival in the State is recent; provided, however, such a person shall have filed an application for a license as an engineer or land surveyor and shall have paid the fee provided for in Section 8 of this Act. Such exemption shall continue for only such reasonable time as the Board requires in which to consider and grant or deny the said application for registration.

5. Engaging in licensed engineering or land surveying as an employe of a licensed engineer or licensed land surveyor, or as an employe of an engineer or land surveyor, authorized by paragraphs 2 and 3 of this section, provided that said practice may not include responsible charge of design or supervision.

6. Practice of engineering or land surveying solely as an officer or as an employe of the United States upon government works or projects.

7. Practice of engineering or land surveying solely as an employe of this State or any political subdivision thereof, at the time this Act becomes effective and thereafter only until the expiration of the then existing term of office of such employe.

8. Any person heretofore licensed to practice engineering or land surveying in this State shall be granted a license hereunder upon the payment of renewal fee as herein provided.

Sec. 13. A corporation or partnership may engage in the practice of professional engineering or land surveying in this State, provided the person or persons connected with such corporation or partnership in charge of the designing or supervision which constitutes such practice is or are registered as herein required of engineers or land surveyors. The same exemptions shall apply to corporations and partnerships as apply to individuals under this Act.

Sec. 14. Land surveying as covered by this Act refers only to surveys for

the determination of areas or for the establishment or re-establishment of land boundaries and the subdivision and platting of land. Nothing in this Act shall be construed as prohibiting licensed engineers from making land surveys.

Sec. 15. The State Treasurer shall upon the taking effect of this Act, transfer all funds from the fund designated as the "Engineers Examiners Fund" to the fund herein created designed "Fund of the Board of Examiners for Engineers and Land Surveyors."

Sec. 16. The Board of Examiners are empowered to use the funds in its control to pay the traveling expenses of a representative to the meeting of the Council of State Boards of Engineer Examiners and they are also empowered to appropriate any such funds as are in the "Fund of the Board of Examiners for Engineers and Land Surveyors" and not necessary for the provisions of this Act, for the purchase of technical books and publications.

Sec. 17. Nothing in this Act shall be construed to limit the rights, privileges and duties of architects licensed to practice under the provisions of an Act as defined in "An Act to provide for the licensing of architects and regulating the practice of architecture in the State of Colorado," approved April 26, 1909, in force October 25, 1909, and all amendments thereto; provided, that nothing contained in this Act shall prevent draftsmen or other assistants of those legally practicing as licensed engineers from acting under the instruction, control or supervision of their employers or shall prevent the employment of superintendents of construction, paid by the owner, from acting, if under the control and direction of a licensed engineer.

Sec. 18. The Act approved April 9, 1919, being Chapter 185, of the Session Laws of Colorado, 1919, is hereby repealed and any and all Acts or parts of Acts inconsistent herewith are hereby repealed. If, for any reason, any provision of this Act shall be declared unconstitutional, it shall not affect the operation of the other provisions of this Act.

Sec. 19. The General Assembly hereby declares that this Act is necessary for the immediate preservation of the public safety.

Sec. 20. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved April 5, 1921.

STATE OF FLORIDA

FLORIDA STATE BOARD OF ENGINEERING EXAMINERS

OFFICE—215 E. Bay St., Jacksonville, Fla.

President—C. S. HAMMATT, Jacksonville, Fla.
Vice-President—C. H. RUGGLES, West Palm Beach, Fla.
Secretary-Treasurer—A. D. STEVENS, Jacksonville, Fla.
G. K. ARMES, Tallahassee, Fla.
H. D. MENDENHALL, Lakeland, Fla.

RULINGS

OF THE

FLORIDA STATE BOARD OF ENGINEERING EXAMINERS

A period of six months was adopted to apply to section 19, which provides that all non-resident engineers be allowed six months in which to become registered; and in event that registration is not approved by the Board within that time the applicant shall not be allowed to practice.

The ruling of the Board on Section 19, which has been sustained by the Attorney-General of the State, is that: Wherein it is set out that this Act is not applicable to any "professional engineer employed as an assistant to a professional engineer registered under this Act," does not exclude from the provisions of the Act anyone who is an assistant to a professional engineer when such assistant is in responsible charge of engineering work in this State.

The Board has ruled that in case a registered Engineer shall leave the State and fail to renew his certificate for one or more years, and later returns to Florida and renews the practice of his profession, he will be issued a renewal certificate under the same number as formerly recorded upon the payment of the renewal fee for that year.

The Board has ruled that the examination may consist of the applicant's written sworn chronological statement of his entire professional education and experience in responsible charge of engineering work. If, in the opinion of the Board, the statement is not complete or qualifying, the Board may then summons the applicant to appear for further examination, and investigate his record of professional service.

The Board has ruled that the submission of plans for Engineering work in the State of Florida is the equivalent of practicing Engineering and is covered by Section 18 of this Act, and their ruling has been sustained by the Attorney-General.

The Board has adopted as a standard seal for use of Registered Engineers, one of a round pattern having the following wording:

In the outer circle, above "the name of the individual Engineer," below the words "Registered Engineer." Within the inner circle the word "Certifi-

cate" at the top and "Florida" at the bottom having in the center "No...." with the recorded number of the Engineer's certificate and the words "State of" below the number.

THE FLORIDA LAW

Chapter 7404 (No. 146), Acts of 1917

AN ACT

PROVIDING FOR THE CREATION AND ESTABLISHMENT OF A FLORIDA STATE BOARD OF ENGINEERING EXAMINERS, GRANTING CERTAIN POWERS TO AND PRESCRIBING THE DUTIES OF SAID BOARD; PROVIDING FOR THE EXAMINATION AND REGISTRATION OF PROFESSIONAL ENGINEERS, REGULATING THE PRACTICE OF ENGINEERING IN THE STATE OF FLORIDA, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. Definitions. As used in this Act:

(a) The "Board" means the State Board of Engineering Examiners provided for by this Act.

(b) A person practices "Professional Engineering" within the meaning of this Act who practices any branch of the profession of engineering other than military engineering. The practice of said profession embraces the design and the supervision of the construction of public and private utilities, such as railroads, bridges, highways, roads, canals, harbors, river improvements, light-houses, wet docks, dry docks, ships, barges, dredges, cranes, floating docks and other floating property, the design and the supervision of the construction of steam engines, turbines, internal combustion engines and other mechanical structures, electrical machinery and apparatus, and of works for the development, transmission or application of power; the design and the supervision of mining operations and of processes and apparatus for carrying out such operations, and the design and the supervision of the construction of municipal works, irrigation works, water supply works, sewerage works, drainage works, industrial works, sanitary works, hydraulic works and structural works and other public or private utilities or works which require for their design or the supervision of their construction such experience and technical knowledge as are required in Section 8 of this Act for admission to examination. The execution as a contractor of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent for such a contractor shall not be deemed to be the practice of professional engineering within the meaning of this Act; nor shall this Act apply to a person acting as a public officer employed by the State, a County or a Municipality of this State on work where the estimated cost of the same is \$1,000.00 or less.

(c) Professional Engineer means any person who practices professional engineering.

Sec. 2. After the first day of January, nineteen hundred and eighteen, no person shall practice professional engineering without having first been duly and regularly registered by the Board as a professional engineer as required by this Act, nor shall any person practice professional engineering whose authority to practice is revoked by the Board; and after the first day of January, nineteen hundred and eighteen, every map, plan and drawing required by law to be certified or approved by a professional engineer shall be certified or approved by a professional engineer duly and regularly registered by the Board as a professional engineer as required by this Act and shall bear the date and the number of the certificate of registration of such professional engineer.

Sec. 3. There shall be a State Board of Engineering Examiners consisting of five members to be appointed by the Governor, three of whom shall be civil engineers, one a mining or electrical engineer, and the other one a mechanical engineer or naval architect. Of the members of the Board first appointed hereunder two shall hold office for a term of two years ending the first day of July, nineteen hundred and nineteen. Two shall hold office for a term of three years ending the first day of July, nineteen hundred and twenty. One shall hold office for a term of four years ending the first day of July, nineteen hundred and twenty-one. The term of office of each member so appointed shall begin on the first day of July, nineteen hundred and seventeen. Upon the expiration of each of such terms the term of office of each member thereafter appointed shall be four years. Each member shall hold over after the expiration of his term until his successor shall be duly appointed and qualified. The Governor may remove any member of the Board for misconduct, incapacity or neglect of duty. Vacancies in the Board caused by death, resignation or removal from office shall be filled by appointment by the Governor for the unexpired term. Each member of the Board shall be a professional engineer of at least ten years' active experience and of recognized good standing in his profession and shall be at least thirty-five years of age and shall have been a resident of this State for at least three years immediately preceding his appointment. Each member of said Board, except the members first appointed hereunder, shall also be registered as professional engineer under this Act, and be also a member in good standing of a recognized engineering society. The members of the Board shall serve without compensation except traveling and other necessary expenses.

Sec. 4. Every member of the Board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath for the faithful discharge of his official duty. Each member of the Board first appointed hereunder shall receive a certificate of registration under this Act from said Board. The Board shall adopt and have an official seal. The Board may make all by-laws and rules not inconsistent with law needed in performing its duties; but no by-law or rule by which more than a majority vote is required for any specified action by the Board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder.

Sec. 5. The Board shall biennially elect from its members a president, a vice-president and a secretary who shall also be treasurer, for the ensuing biennial term. The Secretary shall give a bond in such amount and with such

sureties as may be approved by the Board conditioned upon the faithful performance of his duties and for the accounting for, and payment of, all moneys received by him. The Secretary shall keep on file a record of all certificates of registration issued, and he shall receive and account for all fees derived from the operation of this Act.

The Board shall hold at least two regular meetings in each year. Special meetings may be called in such manner as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws of the Board may provide. At all meetings a majority of the Board shall constitute a quorum.

Sec. 6. The Board shall have power to employ, during its pleasure, such clerks and other employes and to rent such offices as may be necessary for the proper performance by it of its duties as in this Act prescribed.

Sec. 7. The expenses of the Board and of the examinations held by the Board and of any other matter in connection with the provisions of this Act shall be paid from the registration fees collected as herein provided and not otherwise, and in no case shall any of such expenses be paid by the State of Florida nor be charged against said State.

The members of the Board shall be entitled to reimbursements for their traveling and hotel expenses incurred in pursuance of their duties.

Any surplus funds remaining in the hands of the Board or of its Secretary and Treasurer shall be subject from time to time to the further provisions of the Legislature.

Sec. 8. The Board shall admit to examination any candidate who pays a fee of fifteen dollars (\$15.00) and submits evidence, certified by oath and satisfactory to the Board, that he

- (a) Is more than twenty-one years of age,
- (b) Is of good character, and
- (c) Has been engaged upon engineering work for at least six years and during that period has had charge of engineering work, as principal or assistant, for at least one year;
- (d) Or, in lieu of requirement (c) specified above, is a graduate from an engineering school of recognized good reputation and has been engaged upon engineering work for at least four years and during that period has had charge of engineering work, as principal or assistant, for at least one year.

Sec. 9. Examinations for registration shall be held at regular or special meetings of the Board at such times and at such places within the State in each year as the Board shall determine. The scope of the examinations and the methods of procedure shall be prescribed by the Board. The examination may be either oral or partly oral and partly written. As soon as practicable after the close of each examination the members of the Board who shall have conducted such examination shall make and sign and file with the Secretary a certificate stating the action of the Board upon the application of each candidate, whereupon the Secretary of the Board shall notify each candidate of the result of his examination.

Sec. 10. Upon receipt of an additional fee of ten dollars (\$10.00) the Board shall issue to any applicant who has been certified as having passed the

examination conducted by the Board a certificate of registration signed by the President and Secretary of the Board under the seal of the Board, whereupon each applicant shall be authorized to practice professional engineering as defined by this Act.

The Board shall from time to time examine the requirements for the registration of professional engineers in other states, territories and countries and shall record those in which, in the judgment of the Board, standards not lower than those provided by this Act are maintained. The Secretary of the Board, upon the presentation to him by any person of satisfactory evidence that such person holds a certificate of registration issued to such person by proper authority in any such state, territory or country so recorded and upon receipt by him of a fee of twenty-five dollars (\$25.00), shall issue to such person a certificate of registration under this Act, signed by the President and Secretary under the seal of the Board, whereupon the person to whom such certificate is issued shall be entitled to all the rights and privileges conferred by a certificate issued after examination by the Board.

Sec. 11. The Board shall at any time on or before the thirty-first day of December, nineteen hundred and seventeen, issue a certificate of registration signed by the President and the Secretary of the Board under the seal of the Board, upon due application therefor and the payment of a fee of twenty-five dollars (\$25.00), to any professional engineer who shall submit evidence, verified by oath and satisfactory to the Board, that he is of good character and has been a resident of the State of Florida for at least one year immediately preceding the date of his application, and has practiced professional engineering for at least ten years preceding the date of his application and during that period has had charge of engineering work as principal or assistant for at least two years. After the thirty-first day of December, nineteen hundred and seventeen, the Board shall issue certificates of registration only as herein provided.

Sec. 12. All certificates of registration issued by the Board and its Secretary shall be in such form as the by-laws of the Board may prescribe. Before any certificate of registration is issued by the Board and its Secretary, it shall be numbered and recorded in a book kept for that purpose with the Secretary and the number of the certificate shall be noted on the certificate. Such record shall be open to public inspection and in all actions or proceedings in any court such record or a transcript of any part thereof certified by the Secretary of the Board under the seal of the Board to be a true copy shall be entitled to admission in evidence.

The Board shall have power at any time to inquire into the identity of any person claiming to be a registered professional engineer and after due service of a notice in writing, require him to prove to the satisfaction of the Board that he is the person authorized to practice professional engineering under the certificate of registration by virtue of which he claims the privilege of this Act.

When the Board finds that a person claiming to be a professional engineer registered under this Act is not in fact the person to whom the certificate of registration was issued, it shall reduce its findings to writing and file them in its office. Such findings shall be prima facie evidence that the person men-

tioned therein is falsely impersonating a professional engineer of a like or different name.

The Board may revoke a certificate of registration of a professional engineer for fraud or deceit in the securing of his certificate or for the conviction of crime. Proceedings for the revocation of a certificate of registration shall be begun by filing with the Board a written charge or charges against the accused. These charges may be preferred by any person or corporation or the Board may on its own motion direct its Secretary to prefer such charges. When charges are preferred against a professional engineer, registered under the provisions of this Act, the Board shall designate not less than three of its number as a committee to hear and determine said charge. A time and place for the hearing shall be fixed by said committee and a copy of the charges, together with a notice of the time and place for the hearing, shall be served upon the accused or his counsel at least ten days before the date fixed for said hearing. Where personal service or service upon counsel cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the Board shall cause to be published for at least five times, the first publication to be at least thirty days prior to the hearing, in two newspapers published in the section of the State in which the accused was last known to practice, a notice to the effect that at a definite time and place a hearing will be held on the charges against the accused upon an application to revoke his certificate. At said hearing the accused shall have the right to cross-examine witnesses against him and produce witnesses in his defense and to appear personally or by counsel. The said committee shall make a written report of its findings and recommendations and shall forthwith submit the same to the Board. If the Board shall sustain the findings of the committee and it is the decision of the Board that said certificate should be revoked the Board shall thereupon give written notice to the said professional engineer against whom the charges are preferred of its intention so to do, whereupon the said professional engineer against whom said charges have been preferred shall have the right within sixty days to appeal to any court in equity or law, having proper jurisdiction, against the action of the said Board and the action of the Board shall be subject to review and decision of said court, or of a higher court, if appeal is taken. In the event that the said professional engineer against whom charges have been preferred shall not within sixty days appeal from the decision of the Board in the manner above provided, the Board shall have the power and authority to thereupon, or as soon thereafter as practicable, annul and revoke the said certificate of registration. The action of the Board shall be recorded in the same manner as certificates of registration are recorded and the name of the person whose certificate of registration is so revoked shall be stricken from the list of registered professional engineers and he shall be disqualified from practicing as a professional engineer in the State of Florida.

The Board may re-issue a certificate of registration to any person whose certificate has been revoked, but only after the expiration of one year from the date of such revocation, for reasons which the Board shall determine to be satisfactory.

Sec. 13. Every certified professional engineer so registered under this Act who desires to continue the practice of his profession shall annually pay to the Secretary of the Board a fee of five dollars (\$5.00) on or before a date to be fixed by the Board, for which fee a renewal certificate of registration for the current year shall be issued.

Sec. 14. It shall be unlawful for any professional engineer to participate in or derive any profit from the subject-matter of his professional employment, either in the matter of construction work or materials.

Sec. 15. Every unrevoked certificate and endorsement of registry made as provided in this Act shall be presumptive evidence in all courts and places that the person named therein is legally registered.

Sec. 16. The provisions of this Act shall apply to every corporation, domestic or foreign, engaged in the business of professional engineering within the State of Florida, except that certificates of registration issued hereunder shall be held by one or more of its officers or employes instead of by such corporation.

Sec. 17. The Board shall, during the month of April in each year, certify and publish a complete list of registered professional engineers with their business addresses in a newspaper published in the State of Florida.

Sec. 18. Any person who, not being then legally authorized to practice professional engineering within this State according to the provisions of this Act and so registered according to law, shall practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional engineering, or shall use in connection with his name, or otherwise assume, use or advertise any title or designation tending to convey the impression that he is a professional engineer, and any person who shall buy, sell or fraudulently obtain any certificate of registration or who shall aid or abet such buying, selling or fraudulently obtaining, or who shall practice, or attempt or advertise to practice or hold himself out as authorized to practice professional engineering under cover of any certificate obtained or issued fraudulently or unlawfully or under fraudulent representations or wilful mis-statement of fact in a material regard and any person who shall practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional engineering under a false or assumed name or who shall falsely impersonate any professional engineer or former professional engineer of a like or different name or who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished according to law, and in addition his certificate of registration shall be automatically revoked.

Sec. 19. This Act shall not apply to any professional engineer working for the United States Government; nor to any professional engineer employed as an assistant to a professional engineer registered under this Act; nor to any professional engineer coming from without this State and employed therein until a reasonable time, as prescribed by the rules of the Board (six months), shall have elapsed to permit the registration of such person under this Act, provided that before practicing within this State he shall have applied for the issuance to him of a certificate of registration and shall have paid the fee prescribed in this Act for admission to examination.

Sec. 20. This Act shall not apply to any architect registered by the State of Florida under the provisions of the Act creating the State Board of Architecture nor to any of the provisions of said Act.

Sec. 21. All laws or parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Sec. 22. This Act shall take effect immediately upon its passage and approval by the Governor.

STATE OF INDIANA

INDIANA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

OFFICE—State Capitol, Indianapolis, Ind.

Chairman—ROBT. L. MCCORMICK, Terre Haute, Ind.

Secretary—DEWITT V. MOORE, State Capitol, Indianapolis, Ind.

CHAS. W. COLE, South Bend, Ind.

CLYDE A. WALB, LaGrange, Ind.

HARVEY M. ANTHONY, Muncie, Ind.

THE INDIANA LAW

Approved March 10, 1921

CHAPTER 169

AN ACT

TO REGULATE THE PRACTICE OF PROFESSIONAL ENGINEERING
AND LAND SURVEYING; TO PROVIDE FOR THE REGISTRATION
OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS; AND
FIXING A PENALTY.

[H. 43. Approved March 10, 1921.]

Professional Engineers and Surveyors—License.

Section 1. *Be it enacted by the general assembly of the State of Indiana,* That in order to safeguard life, health and property, any person practicing or offering to practice professional engineering or land surveying in this State shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be registered as hereinafter provided and from and after six months after this Act goes into effect, it shall be unlawful for any person to practice or offer to practice professional engineering or land surveying in this State unless such person has been duly registered under the provisions of this act.

Exemptions from Registration.

Sec. 2. Nothing in this Act shall be construed as requiring registration for the purpose of practicing professional engineering, or land surveying by an individual, firm or corporation on property owned or leased by said individual, firm or corporation unless the same involves the public safety or public health.

Board of Registration—Appointment.

Sec. 3. To carry out the provisions of this Act, there is hereby created a state board of registration for professional engineers and land surveyors, herein called the "Board," consisting of five members who shall be appointed by the Governor within sixty days after this Act goes into effect. At least

two members shall be professional engineers, and at least two members shall be land surveyors. The members of the first Board shall be appointed to serve for the following terms: Two members for one year; two members for two years, and one member for three years; said term ending on the first day of January of the succeeding years. On the expiration of each of the said terms the term of office of each newly appointed or reappointed member of the Board shall be for a period of three years and shall terminate on the first day of January. Each member shall hold over after the expiration of his term until the successor shall be duly appointed and qualified. The Governor may remove any member of the Board for misconduct, incompetence or neglect of duty. Vacancies in the membership of the Board, however created, shall be filled by appointment by the Governor for the unexpired term.

Qualification of Members—Per Diem.

Sec. 4. Each member of the Board shall be a citizen of the United States and a resident of this State at the time of his appointment. He shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. He shall be a member in good standing of a recognized society of professional engineers or surveyors and except as provided in section 5 shall be a registered professional engineer or a registered land surveyor. Each member of the Board shall receive ten dollars (\$10) per day for attending sessions of the Board or of its committees, and for the time spent in necessary travel, and, in addition, shall be reimbursed for all necessary traveling, incidental and clerical expenses incurred in carrying out the provisions of this Act.

Commission of Members—Organization of Board—Official Seal.

Sec. 5. Each member of the Board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State an oath of office. Each member of the Board first created shall receive a certificate of registration under this Act from the Governor of this State. The Board or any committee thereof shall be entitled to the services of the Attorney General in connection with the affairs of the Board, and the Board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The Board shall employ a competent secretary to be selected by the Board, but who shall not be a member of the Board. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted; and shall make all bylaws and rules not inconsistent with law, needed in performing its duty. Suitable office quarters shall be provided by the State for the use of the Board in the city of Indianapolis.

Meetings of Board—Chairman and Vice-Chairman—Quorum.

Sec. 6. The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the bylaws of the Board may provide. Notice of all meetings shall be given in such manner as

the bylaws may provide. The Board shall elect annually from its members a chairman and a vice-chairman. Three members of the Board shall constitute a quorum for the transaction of all business except as otherwise provided in section 11.

Funds—Duty of Secretary—Bond.

Sec. 7. The secretary of the Board shall receive and account for all moneys derived from the operation of this Act and shall pay them into the State Treasury. Such funds shall be kept in a separate fund to be known as the "Fund of the Board of registration for professional engineers and land surveyors," which fund shall be continued from year to year and shall be drawn against only for the purpose of this Act as herein provided, except that at the end of each fiscal year of the State of Indiana any excess above five thousand dollars (\$5,000) in said fund shall revert to the common school fund of the State of Indiana. All expenses certified by the Board as properly and necessarily incurred in the discharge of its duties, including authorized compensation, shall be paid out of said fund on the warrant of the Auditor of the State issued on requisitions signed by the chairman and the secretary of the Board; *Provided, however,* That at no time after this Act has been in effect shall the total of warrants issued exceed the total amount in said fund. The secretary of the Board shall give a surety bond by some surety company authorized to transact business in Indiana and conditioned upon the faithful performance of his duties. The premium on said bond shall be a proper and necessary expense of the Board.

Records and Register—Report to Governor.

Sec. 8. The Board shall keep a record of its proceedings and a register of all applicants for registration showing for each the date of application, name, age, education and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a certificate of registration granted and the date of such action. A roster showing the names and places of business and of residence of all registered professional engineers, and land surveyors, shall be prepared by the secretary of the Board before the first day of December of each year; such roster shall be printed by the State as other State reports are printed and shall be paid for out of the funds of the Board as provided in section 7.

On the last day of each fiscal year of the State of Indiana, the Board shall submit to the Governor a report of its transactions for the preceding year, and shall file with the Secretary of State a copy of such report, together with a complete statement of the receipts and expenditures of the Board, attested by the affidavits of the chairman and the secretary, and a copy of the said roster of registered professional engineers and registered land surveyors.

Requirements for Certificate of Registration—Renewal—Fees.

Sec. 9. The Board shall, on application therefor, on prescribed form and the payment of a fee of twenty-five dollars (\$25) issue a certificate of registration:

1. To any person who submits evidence satisfactory to the Board that he or she is fully qualified to practice professional engineering or land surveying; or

2. To any person who holds a like unexpired certificate of registration issued to him or her by proper authority in any State or Territory of the United States, or in any Province of Canada, in which the requirements for the registration of professional engineers or land surveyors are of a standard satisfactory to the Board: *Provided, however*, That no person shall be eligible for registration who is under twenty-five years of age, who is not a citizen of the United States, or Canada, or who has not made declaration of his or her intention to become a citizen of the United States, who does not speak or write the English language, who is not of good moral character, and repute, and who has not been actively engaged for six or more years in the practice of professional engineering, or land surveying, of character satisfactory to the Board; *Provided, however*, That each year of teaching or of study satisfactorily completed of engineering in a school of engineering shall be considered as equivalent to one year of such active practice.

Unless disqualifying evidence be before the Board the following facts established in the application shall be regarded as prima facie evidence satisfactory to the Board that the applicant is fully qualified to practice professional engineering or land surveying:

(a) Ten or more years of active engagement in professional engineering or land surveying work;

(b) Graduation after a course of not less than four years, in engineering, from a school or college approved by the Board as of satisfactory standing, and an additional four years of active engagement in professional engineering, or land surveying work.

Applicants for registration, in cases where the evidence originally presented in the application does not appear to the Board conclusive or warranting the issuance of a certificate, may present further evidence which may include the results of a required examination, for the consideration of the Board.

In case the Board denies the issuance of a certificate to an applicant sixty per cent of the registration fee deposited shall be returned by the Board to the applicant.

Certificates of registration shall expire on the last day of the month immediately following the expiration of the fiscal year in which they were issued or renewed, and shall be invalid after that date unless renewed. It shall be the duty of the secretary of the Board to notify by mail every person registered hereunder of the date of expiration of his certificate and the amount of the required fee for its renewal for one year; such notice should be mailed at least one month in advance of the date of the expiration of said certificate and the amount of the required fee for its renewal for one year; such notice should be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time by the payment of a fee of ten dollars (\$10) to the secretary of the Board, which payment shall be accredited to the funds of the fiscal year for which paid. The failure on the part of any registrant to renew his certificate annually as required above shall

not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate that has become invalid by failure to renew, shall be increased ten per cent for each month or a fraction of a month that payment for renewal is delayed: *Provided, however,* That the maximum fee for delayed renewal shall not exceed twenty dollars (\$20).

Certificate for Engineers and Surveyors Practicing at the time this Act became effective.

Sec. 10. At any time within one year after this Act goes into effect upon due application therefor and the payment of a fee of twenty-five dollars (\$25), the Board shall issue a certificate of registration, as provided by section 9, to any professional engineer or land surveyor who shall submit evidence under oath satisfactory to the Board that he is of good character, has been a resident of the State of Indiana for at least one year immediately preceding the date of his application, and was practicing professional engineering or land surveying at the time that this Act became effective. After this Act shall have been in effect one year the Board shall issue certificates of registration only as provided in section 9 thereof.

Revoking of Certificates—Hearings—Appeal.

Sec. 11. The Board shall have the power to revoke the certificate of registration of any professional engineer or land surveyor registered hereunder who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence, incompetence or misconduct in the practice of professional engineering or land surveying. Any person may prefer charges of such fraud, deceit, negligence, incompetence or misconduct against any professional engineer or land surveyor registered hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the Board. Such charges, unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the Board. A copy of the charges, together with a notice of the time and place of hearing shall be legally served on the accused at least thirty days before the date fixed for the hearing and in the event that such service cannot be effected thirty days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him or her and to produce evidence and witnesses in his or her defense. If after said hearing four or more members of the Board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate or of gross negligence, incompetence or misconduct in the practice of professional engineering or land surveying the Board shall revoke the certificate of registration of the accused.

The decision of the Board shall be subject to review in the Marion circuit court of Marion county, such appeal to be taken within six months after the day on which the order was made by the Board.

The Board may reissue a certificate of registration to any person whose

certificate has been revoked, provided four or more members of the Board vote in favor of such reissue.

The Board shall immediately notify the Secretary of State of its findings as to the issuance, revocation or reissuance of certificates of registration.

A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations of the Board. A charge of one dollar (\$1) shall be made for such reissue.

Seal.

Sec. 12. The issuance of a certificate of registration by this Board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer, or registered land surveyor, while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend "professional engineer" or "land surveyor." Plans, specifications, plats and reports issued by a registrant may be stamped with said seal during the life of registrant's certificate, but it shall be unlawful for anyone to stamp or seal any document with said seal after the certificate of the registrant named thereon has expired or has been revoked unless said certificate has been renewed or reissued.

Penalties Under this Act.

Sec. 13. Any person who after this Act has been in effect six months is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this Act, and shall so practice or offer so to practice in this State, except as provided in section 14 of this Act, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the Board, or to any member thereof, in obtaining a certificate of registration or who shall falsely impersonate any other practitioner [practitioner] of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be guilty of a misdemeanor, and shall for each offense of which he is convicted be punished by a fine of not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), or by imprisonment for three months, or by both fine and imprisonment.

Exemptions from Provisions of this Act.

Sec. 14. The following shall be exempted from the provisions of this Act:

1. Offering to practice in this State as a professional engineer or land surveyor, by any person not a resident of and having no established place of business in this State.

2. Practice as a professional engineer, or land surveyor, in this State by any person not a resident of and having no established place of business in this State, or any person resident in this State, but whose arrival in this State is recent: *Provided, however,* Such a person shall have filed an application for registration as a professional engineer or a land surveyor and shall have paid the fee provided for in section 9 of this Act. Such exemption shall continue

for only such reasonable time as the Board requires in which to consider and grant or deny the said application for registration.

3. Engaging in professional engineering or land surveying as an employe of a registered professional engineer, or a registered land surveyor, or as an employe of a professional engineer, or a land surveyor, authorized by paragraph 2 of this section.

4. Practice of professional engineering and land surveying solely as an officer of the United States.

5. Practice of professional engineering, or land surveying, solely as an employe or officer of this State or any political subdivision thereof at the time this Act becomes effective and thereafter only until the expiration of the then existing term of office of such employe.

6. Practice of land surveying by a duly elected and qualified county surveyor of any county in the State of Indiana.

Corporations or Partnerships.

Sec. 15. A corporation or partnership may engage in the practice of professional engineering or land surveying in this State provided the person or persons connected with such corporation or partnership in charge of the designing or supervision which constitutes such practice is or are registered as herein required of professional engineers and land surveyors. The same exemptions shall apply to corporations as apply to individuals under this Act.

Land Surveying.

Sec. 16. Land surveying as covered by this Act refers only to surveys for the determination of areas as for the establishment of land boundaries and the subdivision and platting of land. Nothing in this Act shall be construed as prohibiting registered professional engineers from making land surveys.

Repeal.

Sec. 17. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

STATE OF IOWA

IOWA STATE BOARD OF ENGINEERING EXAMINERS

Chairman—FREDERICK W. STUBBS, Oelwein, Ia.
Vice-Chairman—LEWIS M. MARTIN, Atlantic, Ia.
Secretary—KARL C. KASTBERG, Box 923, Des Moines, Ia.
ALVIN LE VAN, Des Moines, Ia.

THE IOWA LAW

Effective July 4, 1919

REGISTRATION OF ENGINEERS

Chapter 392, Senate File No. 186, Acts of the Thirty-Eighth General Assembly

AN ACT

TO CREATE AN IOWA STATE BOARD OF ENGINEERING EXAMINERS TO PROVIDE FOR THE EXAMINATION AND REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS; AND TO FIX PENALTIES FOR THE VIOLATION OF THIS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Professional Engineering and Land Surveying—Registration. After one year from the date of passage of this act, unless otherwise permitted by the provisions of this act, no person shall practice professional engineering or land surveying in the State of Iowa except he be a registered professional engineer or a registered land surveyor as provided by this Act.

Sec. 2. Compensation, Etc. —How Drawn—Limitation. Warrants for the payment of expenses and compensations provided by this Act shall be issued by the Auditor of State and paid by the State Treasurer upon presentation of vouchers regularly drawn by the chairman and the secretary of the Board and passed by the State Board of Audit, provided however that at no time shall the total amount of warrants exceed the total amount of examination and registration fees collected as herein provided.

Sec. 3. Terms Defined—(a-e). (a) The "Board" means the Iowa State Board of Engineering Examiners provided by this Act.

(b) "Professional engineering" means the practice of any branch of the profession of engineering other than military engineering. The practice of said profession embraces the design and the supervision of the construction of public and private utilities, such as railroads, bridges, canals, harbors, river improvements, lighthouses, wet docks, dry docks, ships, barges, dredges, cranes, floating docks and other floating property, the design and the supervision of the construction of steam engines, turbines, internal combustion engines and

other mechanical structures, electrical machinery and apparatus, and of works for the development, transmission or application of power, and the design and the supervision of the construction of municipal works, irrigation works, water supply works, sewage works, drainage works, industrial works, sanitary works, hydraulic works, structural works and other public and private utilities or works which require for their design or the supervision of their construction such experience and technical knowledge as are required by this Act. The execution as a contractor of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent for such a contractor or the construction, improving, or extending of private drains or drainage works, private irrigation works, private water supply works, or other works of a private nature shall not be deemed to be the practice of professional engineering within the meaning of this Act.

(c) A "professional engineer" means any person who practices professional engineering.

(d) "Land surveying" is surveying having to do with the boundaries or areas of tracts of land. The surveying of lands for the purpose of sub-dividing or determining boundary lines where no contest is involved shall not be deemed to be the practice of land surveying within the meaning of this Act.

(e) A "land surveyor" is any person who makes land surveys.

Sec. 4. Board—Membership—Appointment—Term—Vacancies—Qualifications—Compensation. There is hereby created a State Board of Engineering Examiners of five members who shall be appointed by the Governor within sixty days after the passage of this Act. No two members of said Board shall be from the same branch of the profession of engineering. Two members of the Board first appointed shall hold office for two years and three for four years, said terms of office terminating on the first day of July. Upon the expiration of each of such terms, the term of office of each member thereafter appointed shall be four years and shall terminate on the first day of July. Each member shall hold over after the expiration of his term until his successor shall be duly appointed and qualified. The Governor may remove any member of the board for misconduct, incapacity or neglect of duty. Vacancies in the membership of the board caused by death, resignation or removal from office shall be filled by appointment by the Governor for the unexpired term. Each member of the board shall be a professional engineer, at least thirty-five years of age and shall have been a resident of this State for at least three years immediately preceding his appointment. He shall have had at least ten years of active practice preceding his appointment, and during that time shall have had charge of engineering work as principal or assistant for at least two years. He shall be a member in good standing of a recognized State or national engineering society. Each member of the Board, except as provided in section 5, shall be registered as a professional engineer under this Act. Each member of the Board shall receive as compensation the sum of ten dollars per day for the time actually spent in traveling to and from, and in attending sessions of the Board and its committees, and shall receive all necessary traveling and incidental expenses incurred in carrying out the provisions of this Act.

Sec. 5. Certificates of Appointment and Registration—Powers—Seal.

Each member of the board shall receive a certificate of appointment from the Governor. Before beginning his term of office each member of the board shall file with the Secretary of State the constitutional oath of office. Each member of the Board first created shall receive a certificate of registration under this Act from said Board. The Board, or any committee thereof, shall be entitled to the counsel and to the services of the Attorney General, shall have power to compel the attendance of witness, and may take testimonies and proofs, and may administer oaths, concerning all matters within its jurisdiction. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted and may make all bylaws and rules, not inconsistent with law, needed in performing its duty.

Sec. 6. Officers—Election of—Bond and Duties of Secretary—Fund—

Report. The Board shall elect annually from its members a chairman, a vice-chairman and a secretary. The secretary shall give a surety bond satisfactory to the Board, conditioned for the faithful performances of his duties and for the accounting and paying over of all moneys received by him. The premium on said bond shall be paid from the fund of the Board hereinafter provided. The secretary shall keep on file a record of all certificates of registration granted, and shall make annually such revisions of said record as may be necessary. In revising said record, the secretary shall communicate annually by mail with every professional engineer registered hereunder. In every case in which a reply is not received within thirty days after the date of the first letter, the secretary shall send a second letter by registered mail. The certificate of registration of any professional engineer who shall not reply within sixty days from the date of said second letter, shall be considered to have been revoked by such failure to reply, but may be reinstated at any time upon due application therefor and the payment of the registration fee of ten (\$10.00) dollars, provided in section 9 hereof. The secretary shall receive and account for all fees derived from the operation of this Act and shall pay them to the State Treasurer, who shall keep such moneys in a separate fund, to be known as the fund of the Board of Engineering Examiners, which shall be continued from year to year to be drawn against only for the expenses and compensations of the board provided by this Act.

On or before the 30th day of June in each year the Board shall submit to the Governor a written report of its transactions for the preceding year and shall file with the Secretary of State a copy of said report, together with a complete statement of the receipts and expenditures of the Board, attested by the affidavits of the chairman and the secretary, and a complete list of those registered under this Act, with their addresses and the dates of their certificates of registration. Said report shall be printed by the State and a copy mailed to and placed on file by both the clerk of each incorporated city or town in the State, and the county auditor of each county in the State. The Board shall hold at least one stated meeting on the first Tuesday in December of each year and special meetings shall be called at other times by the secretary at the request of the chairman or of three members of the Board. At any meeting of the Board three members shall constitute a quorum.

Sec. 7. Candidates for Examination—Fee—Qualifications. The Board shall admit to examination any candidate who pays a fee of fifteen dollars (\$15.00) and who under oath submits evidence prescribed by the board that he

(a) is more than twenty-five years of age

(b) is of good character, and

(c) has been engaged in the practice of professional engineering or land surveying for at least six years and during that period has had charge as assistant, for at least one year. Each year of work satisfactorily completed at an engineering school of recognized standing shall count as one year of practice in fulfilling the six year requirement of this section.

Sec. 8. Examination for Registration. Examinations for registration shall be given at stated or called meetings of the Board. The scope of the examinations and the method of procedure shall be prescribed by the Board. As soon as practicable, after the close of each examination, a report shall be filed in the office of the secretary of the Board by the members conducting such examinations. Said report shall show the action of the Board upon each application, whereupon the secretary of the Board shall notify each applicant of the result of his examination.

Sec. 9. Professional Engineer—Land Surveyor—Certificate—Seal. To any applicant, who shall have passed the examination as a professional engineer, and who shall have paid an additional fee of ten (\$10.00) dollars, the Board shall issue a certificate of registration as a professional engineer, signed by the chairman and the secretary of the Board under the seal of the Board, whereupon such applicant shall be authorized to practice professional engineering as defined by this act. To any applicant, who shall have passed the examination as a land surveyor, and who shall have paid an additional fee of ten (\$10.00) dollars, the Board shall issue a certificate of registration, signed by the chairman and the secretary of the Board under the seal of the Board, whereupon such applicant shall be authorized to practice land surveying as defined by this act, and to administer oaths to his assistants or to witnesses produced for examination of facts connected with land surveys. A certificate of registration as a professional engineer shall not carry with it the right to practice land surveying unless it is specifically permitted by said certificate, which permission shall be granted by the Board without additional fee in the case of any applicant duly qualified as prescribed by the rules of the Board. The Board shall provide each candidate who has successfully qualified for registration, a suitable seal with which he shall stamp all plans, specifications and reports issued by him.

Sec. 10. Professional Engineering and Land Surveying—Certificate—Date—Limit. At any time within one year after this act becomes effective, upon due application therefor and the payment of a fee of twenty-five (\$25.00) dollars, the Board shall issue a certificate of registration as provided by section 9 hereof to any person who under oath submits evidence prescribed by the Board that he

(a) is more than twenty-five years of age,

(b) is of good character, and

(c) has been engaged in the practice of professional engineering or land surveying for at least two years preceding the date of the passage of this Act, or is a graduate of some recognized school of engineering. After this Act shall have been in effect six months, the Board shall issue certificates of registration only as provided in section 9 or section 11 hereof.

Sec. 11. Standards in other States—Recognition—Certificate—Fee, Etc.

The Board shall from time to time examine the requirements for registration of professional engineers and land surveyors in other states, territories and countries, and shall record those in which in the judgment of the Board standards not lower than those provided by this Act are maintained. The secretary of the Board upon presentation to him of satisfactory evidence by any person, that he holds a certificate of registration issued to him by proper authority in any state, territory or country so recorded, and upon receipt of a fee of ten (\$10.00) dollars, shall issue to such person a certificate of registration to practice professional engineering or land surveying as provided by this Act, signed by the chairman and the secretary under the seal of the Board, whereupon the person to whom such certificate is issued shall be entitled to all the rights and privileges conferred by the certificate issued after examination by the Board.

Sec. 12. Revocation of Certificate—Power of Board—Charges—Hearing, Etc.

The board shall have the power by a four-fifths vote of the entire Board to revoke the certificate of any professional engineer or land surveyor registered hereunder, found guilty of any fraud or deceit in his practice, or guilty of any fraud or deceit in obtaining his certificate, or in case he is found by the same vote to be incompetent. Proceedings for the revocation of a certificate of registration shall be begun by filing with the secretary of the Board written charges against the accused. The Board shall designate a time and place for a hearing, and shall notify the accused of this action and furnish him a copy of all charges at least thirty days prior to the date of the hearing. The accused shall have the right to appear personally or by counsel, to cross-examine witnesses or to produce witnesses in his defense.

Sec. 13. Legal registration—Presumptive Evidence of. An unrevoked certificate of registration, made as provided in this Act, shall be presumptive evidence in all courts and places that the person named therein is legally registered.

Sec. 14. False Pretenses—Practice Under—Misdemeanor—Penalty. Any person who, after this Act shall have been in effect for one year, is not legally authorized to practice in this State according to the provisions of this Act and shall practice, or shall in connection with his name use any designation tending to imply or designate him as a registered practitioner within the meaning of this Act, and any person presenting or attempting to file as his own the certificate or registration of another, who shall give false or forged evidence of any kind to the Board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate another practitioner of like or different name, or who shall use or attempt to use a revoked certificate of registration shall be deemed guilty of a misdemeanor and shall for each offense of which he is convicted be punished by a fine of not less than one hundred

(\$100.00) dollars, nor more than five hundred (\$500.00) dollars, or by imprisonment for three months, or by both such fine and imprisonment.

Sec. 15. Application of Act—Exceptions and Provisions. This act shall not apply to any full time employe of any corporation while doing work for that corporation, except in the case of corporations offering their services to the public as professional engineers or land surveyors. Corporations engaged in designing and building works for public or private interests not their own shall be deemed to practice professional engineering within the meaning of this Act. With respect to such corporations all principal designing or constructing engineers shall hold certificates of registration hereunder. This Act shall not apply to corporations engaged solely in building said works. This Act shall not apply to contracts existing at the time said Act takes effect, nor to any professional engineer or land surveyor working for the United States government, nor to any professional engineer or land surveyor employed as an assistant to a professional engineer or land surveyor registered under this Act, nor to purely operative services in connection with mechanical plants or systems, nor to any professional engineer or land surveyor from without this State until a reasonable length of time as prescribed by the rules of the Board shall have elapsed to permit the registration of such a person under this Act, provided that, before practicing within this State, he shall have applied for the issuance to him of a certificate of registration and shall have paid the fee prescribed in this Act.

Sec. 16. Acts in Conflict Repealed. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved April 25, 1919.

In effect July 4, 1919.

STATE OF LOUISIANA

LOUISIANA STATE BOARD OF ENGINEERING EXAMINERS

815-17 Maison Blanche Building Annex, New Orleans, Louisiana

President—FRANK H. WADDILL, New Orleans, La.

Vice-President—W. B. ROBERT, Opelousas, La.

Secretary—DONALD DERICKSON, New Orleans, La.

Assistant Secretary—C. C. SANDOZ.

MARCEL GARSAUD, New Orleans, La.

B. W. PEGUES, Baton Rouge, La.

THE LOUISIANA LAW

Approved July 8, 1920

ACT NO. 242

Senate Bill No. 26. By Mr. Beale, by request

AN ACT

TO AMEND AND RE-ENACT ACT NO. 200 OF THE GENERAL ASSEMBLY OF THE STATE OF LOUISIANA FOR THE YEAR 1914, ENTITLED "AN ACT TO AMEND AND RE-ENACT ACT NO. 308 OF THE GENERAL ASSEMBLY OF THE STATE OF LOUISIANA FOR THE YEAR 1908, ENTITLED 'AN ACT TO REGULATE THE PRACTICE OF CIVIL ENGINEERING AND SURVEYING; TO CREATE A STATE BOARD OF ENGINEERING EXAMINERS, AND REGULATE THE FEES AND EMOLUMENTS THEREOF; TO PREVENT THE PRACTICE OF THE SAID CALLINGS OR PROFESSIONS BY UNAUTHORIZED PERSONS; AND TO PROVIDE FOR THE TRIAL AND PUNISHMENT OF VIOLATORS OF THE PROVISIONS OF THIS ACT BY FINE OR IMPRISONMENT; AND TO REPEAL ALL LAWS OR PARTS OF LAWS IN CONFLICT OR INCONSISTENT WITH THIS ACT.' "

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF LOUISIANA:

That Act No. 200 of 1914, entitled "An Act to amend and re-enact Act No. 308 of 1908, entitled 'An Act to regulate the practice of Civil Engineering and Surveying; to create a State Board of Engineering Examiners, and regulate the fees and emoluments thereof; to prevent the practice of the said callings as professions by unauthorized persons; and to provide for the trial and punishment of violators of the provisions of this Act by fine or imprisonment; and to repeal all laws or parts of laws in conflict or inconsistent with the Act,' " shall be, and the same is hereby amended and re-enacted so as to read as follows:

Civil Engineers and Surveyors Must Qualify Under this Act.

Section 1. Be it enacted, by the general assembly of the State of Louisiana, That from and after the promulgation of this Act, no person not already registered according to law shall practice the profession of civil engineering or surveying within the State of Louisiana, unless such person shall be duly registered and licensed in accordance with the provisions of this Act.

Examination.

Sec. 2. Be it further enacted, etc., That after the promulgation of this Act, any person, before entering upon the practice of civil engineering or surveying, shall present to the Board of Engineering Examiners, as hereinafter constituted, a diploma from an engineering college or school of good standing, said standing to be determined by the Board, or satisfactory evidence that such diploma had been granted to him, and such other data regarding character and experience as the Board may require, or shall pass a satisfactory examination before the Board upon the following, to-wit: For surveying, plane trigonometry, plane surveying, practical use of instruments; for civil engineering—same as surveying, in addition thereto natural philosophy or physics, including practical problems in design and construction. All examinations held by the Board, and answers of applicants shall be in writing, and shall be filed and kept as records. The person shall also satisfy the Board that he is twenty-one years of age, and of good moral character. If said diploma or examination is satisfactory to the Board, it shall register such person and issue to same a certificate in accordance with the facts, which certificate shall be received as *prima facie* evidence that such person is duly registered according to law.

Board Appointed by Governor—Power and Authority.

Sec. 3. Be it further enacted, etc., That the engineering examiners shall consist of a Board of five members, three of whom shall constitute a quorum; all members shall be practicing civil engineers or surveyors of good standing. All members shall be appointed by the Governor of the State from a list presented by the Louisiana Engineering Society, and the Governor shall have the right to remove any or all members thereof for inefficiency or neglect of duty and to fill all vacancies occurring in the Board from similar list presented by the Louisiana Engineering Society, provided, however, that in the event that said Society fails to present such list when requested, the Governor shall select appointees at his own discretion.

The legal domicile of the Board shall be in the city of New Orleans.

Term of Office.

Sec. 4. Be it further enacted, etc., That the first Board of Engineering Examiners appointed under this Act shall meet and organize within thirty days from the date of their appointments, and shall name one member to serve two years, one to serve three years, one to serve four years, one to serve five years, and one to serve six years, to be decided by lot or agreement among themselves as to their respective terms. At the expiration of the above terms, each mem-

ber shall be appointed by the Governor for a term of six years, from names recommended by the Louisiana Engineering Society.

Compensation.

Sec. 5. Be it further enacted, etc., That the members of the Board of Engineering Examiners shall receive, in compensation for their duties, ten dollars per day during the session of the Board, together with their hotel bills and their traveling expenses by the most direct route to and from their respective residence, the same to be paid out of any moneys in the treasury of the Board, upon the certificate of the president and the secretary. The Board is empowered to demand a fee of one dollar for issuing a certificate, twenty-five dollars for registration by diploma, twenty-five dollars for examination, and fifteen dollars for registration under section 15 of this Act. Said registration fees to include fee for certificate and license fee for the current year.

By-Laws and Regulations.

Sec. 6. Be it further enacted, etc., That the Board shall have the right to adopt by-laws, rules and regulations for conducting its affairs not inconsistent with the provisions of this Act, and to employ such clerical force and professional assistance as may be necessary.

Temporary Permit.

Sec. 7. Be it further enacted, etc., That to prevent delay and inconvenience, any one member of the Board may grant a permit to practice after a satisfactory examination of any applicant, and shall report thereon to the next regular meeting of the Board. Said temporary permit shall not continue in force longer than until the next regular meeting, and shall in no case be granted less than six months after the applicant has been refused a permit by the Board.

Annual License.

Sec. 8. Be it further enacted, etc., That every registered civil engineer or surveyor in this State, who desires to continue the practice of his profession in this State, shall annually, during the time he shall continue in such practice, pay to the Board, on or before the first day of February, or within thirty days after his return in case of absence from the State, a fee of three dollars for civil engineer and one dollar for surveyor, and the secretary shall thereupon issue such registered civil engineer or surveyor a certificate of renewal of his license for the current year. Any registered civil engineer or surveyor who shall fail to have his license renewed, as above provided, on or before the first day of February of each year, shall have his license revoked. But the failure to renew said license in proper time shall not deprive such civil engineer or surveyor of the right of renewal thereafter, but the fee to be paid to the Board upon the renewal of license after the month of January or the expiration of the thirty days following his return to the State shall be ten dollars for civil engineer and five dollars for surveyor.

List of Engineers Published Annually.

Sec. 9. Be it further enacted, etc., That the Board of Engineering Examiners shall publish annually in pamphlet form, not later than April first, a complete list of licensed Civil Engineers and Surveyors, with their residences, and such published list, when properly attested by the Secretary, shall be received as evidence in court that persons whose names appear therein are duly registered and licensed.

Penalty for Practicing Without Certificate.

Sec. 10. Be it further enacted, etc., That any person who shall practice or attempt to practice the profession of a Civil Engineer or Surveyor either as an individual, employee, or as a member of a company or corporation domiciled in or out of this State, without having complied with the provisions of this Act shall be fined not less than one hundred dollars, nor more than five hundred dollars, or shall be imprisoned not less than thirty nor more than ninety days, for each offense, by any court of competent jurisdiction.

Sec. 11. Be it further enacted, etc., That the Board is authorized to adopt and use an official seal.

Board May Revoke Certificate.

Sec. 12. Be it further enacted, etc., That the Board may revoke any permit or license it has issued, when its holder has been convicted of immoral conduct before a competent court.

Exempting U. S. Engineers, Etc.

Sec. 13. Be it further enacted, etc., That this Act shall not apply to the Engineering Department of the United States, nor to the Civil Engineers or Surveyors of other States and Territories, when in actual and bona fide consultation with registered Civil Engineers or Surveyors of this State.

Annual Report.

Sec. 14. Be it further enacted, etc., That the Board of Engineering Examiners shall make annual report to the Governor of its transactions, with such recommendations for the advancement of the service as it may be best.

Reciprocity with Other States.

Sec. 15. Be it further enacted, etc., That the Board is authorized to accept, in lieu of its own requirements under Section 1 of this Act, certificates of registration of similar Boards of Engineering licensing authorities of other States, having similar registration laws, whose requirements for registration and enforcement thereof are satisfactory to the Board, provided said authorities of said other States likewise accept the certificate of registration issued by this Board in lieu of their own requirements for registration, and provided further that applicants for registration under this Section shall be in good standing with the authorities in their own States and shall otherwise fulfill the requirements of this Board.

Terracing Rice Fields.

Sec. 16. Be it further enacted, etc., That the provisions of this Act shall not apply to such laymen or non-professionals as may, upon occasion, run levels for terracing rice fields, when registered Civil Engineers and Surveyors are unavailable; provided, however, that such laymen or non-professionals shall not be permitted to make a practice of such work.

Repealing Clause.

Sec. 17. Be it further enacted, etc., That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

HEWITT BOUANCHAUD,
Lieutenant Governor and President of the Senate.

R. F. WALKER,
Speaker of the House of Representatives.

Approved: July 8, 1920.

JNO. M. PARKER,
Governor of the State of Louisiana.

A true copy:

JAMES J. BAILEY,
Secretary of State.

STATE OF MICHIGAN

MICHIGAN STATE BOARD FOR THE EXAMINATION AND REGISTRATION OF ARCHITECTS, ENGINEERS AND SURVEYORS

OFFICE—80 Griswold St., Detroit, Mich.

Secretary—C. T. OLMSTEAD, 80 Griswold Street, Detroit, Mich.

THE MICHIGAN LAW

Effective August 14, 1919

REGISTRATION ACT

FOR

ARCHITECTS, ENGINEERS AND SURVEYORS

AN ACT

TO PROVIDE FOR THE REGISTRATION OF ARCHITECTS, ENGINEERS AND SURVEYORS; TO REGULATE THE PRACTICE OF ARCHITECTURE, ENGINEERING AND SURVEYING AS PROFESSIONS AND ESTABLISH THEIR RELATION TO PUBLIC WORKS AND THE SURVEYING AND PLATTING OF LAND; TO PROVIDE FOR A BOARD OF EXAMINERS OF ARCHITECTS, ENGINEERS AND SURVEYORS; TO REPEAL ACT NUMBER ONE HUNDRED TWENTY OF THE PUBLIC ACTS OF NINETEEN HUNDRED FIFTEEN, ENTITLED "AN ACT TO PROVIDE FOR THE REGISTRATION OF ARCHITECTS AND REGULATING THE PRACTICE OF ARCHITECTURE AS A PROFESSION," AND TO PROVIDE FOR THE TRANSFER OF THE FUNDS AND RECORDS ACCUMULATED UNDER SAID ACT.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Any person who represents himself to be an architect or as an engineer, or as a surveyor in any of the branches hereinafter mentioned, in the State of Michigan, shall be registered as hereinafter provided. Nothing in this act shall be construed to prevent any person, firm or corporation from preparing plans and specifications for buildings to be erected by themselves.

Sec. 2. Any person who shall have been qualified in this State to use the title "registered architect" before this Act takes effect shall be considered as registered under this Act. Any citizen of the State of Michigan who shall have been engaged in practice as an engineer or surveyor as a principal, or in the responsible charge of design or supervision of engineering works for not less than two years before this Act goes into effect, shall be granted a certificate authorizing him to use the title of the branch of engineering in which he has been so engaged.

Sec. 3. The Governor shall, within thirty days after this Act goes into effect, appoint a board of seven examiners, which shall be composed of two architects and five engineers, who shall have been in the active practice of their professions as principals for not less than ten years previous to their appointment and who are otherwise qualified, of whom one of the appointees shall be from the Upper Peninsula.

Sec. 4. The members of the Board shall be appointed to hold office until one, two, three, four, five, six and seven years respectively, after July first, nineteen hundred twenty, or until their successors shall have qualified, and thereafter, upon the expiration of the term of office of each person so appointed, the Governor shall, on or before the first day of July in each year, appoint a successor to hold office for a term of seven years. The members of the Board so appointed shall take and subscribe to the oath of office prescribed by the constitution and shall file the same in the office of the Secretary of State. By virtue of appointment the engineer members of the original Board shall become registered engineers, and thereafter no person who is not a registered architect or a registered engineer shall be qualified for appointment to said Board.

Sec. 5. Any vacancy occurring in the membership of the Board shall be filled by the Governor for the unexpired term of such membership, subject to the provisions of section three hereof.

Sec. 6. The Board shall adopt rules and regulations for its own organization and for the examination and classification of candidates for registration, and the issuance of the certificates thereto, and for carrying out the provisions of this act, and may amend, modify, and repeal such rules and regulations from time to time. The said rules and regulations and any amendments there-to shall become effective upon approval by the Attorney General.

Sec. 7. The Board shall have power to classify the applicants into the respective branches of engineering, as follows: Civil engineer, mining engineer, mechanical engineer, electrical engineer, chemical engineer and surveyor, and such other branches of engineering as the Board may consider subject to this Act, and shall have authority to issue a certificate entitling the registrant to use the title of "Registered Civil Engineer," "Registered Mining Engineer," "Registered Mechanical Engineer," "Registered Electrical Engineer," "Registered Chemical Engineer," and "Registered Surveyor," or such other registered titles indicating more limited qualifications as the Board may designate, and to practice in the branch of engineering in which such person is registered; and further shall have power to issue certificates to persons, qualifying under this Act as architects to use the title of "Registered Architect." Nothing in this section shall prevent any person qualified hereunder from registering in any and all branches of engineering herein specified or in architecture. No person shall use the title "Registered Architect" or "Registered Engineer," or "Registered Surveyor" or any variation of the same, or use any word, letter or device to indicate that the person so using the same is a registered architect or a registered engineer or a registered surveyor, after the first day of January, nineteen hundred twenty, without being registered as an architect or engineer or surveyor, in

accordance with the provisions of this Act. The Board shall before issuing any such certificate examine into the character and qualifications of the applicant to practice in the branch or classification for which he makes application and become satisfied that such applicant is a proper person and qualified so to do, before it shall issue the certificate for which application has been made. No person shall use any of the titles "Registered Architect," "Registered Civil Engineer," "Registered Mining Engineer," "Registered Mechanical Engineer," "Registered Electrical Engineer," "Registered Chemical Engineer," or "Registered Surveyor," or any other registered title that the Board may designate, unless he has been duly authorized to do so by the Board: Provided, That the provisions of this Act shall not apply to engineers or architects employed by railroad or other interstate corporations whose employment is confined to such corporation, whether such employe is or is not a citizen of this State.

Sec. 8. The Board shall hold its first meeting within thirty days after its members are appointed and thereafter shall hold meetings not less than four times each year, and shall submit to the Governor biennially a report covering its activities.

Sec. 9. The members of the Board shall be entitled to no compensation for their services; they shall, however, be reimbursed for traveling, and other actual expenses incurred in the performance of their specific duties under this Act, and for clerical and other assistance: Provided, That all expenses of the Board shall at no time exceed the amount of moneys received and on deposit to the credit of the Board under the workings of this Act.

Sec. 10. All moneys and fees collected or received under this Act shall be properly recorded and receipted for and deposited with the State Treasurer.

Sec. 11. All moneys expended by the Board shall be paid through the State Treasurer on properly drawn vouchers, signed by the President and Secretary of the Board.

Sec. 12. All moneys received by the State Treasurer under the provisions of this Act shall be kept in a separate fund to be drawn against only for the expenses of the Board.

Sec. 13. Any citizen of the United States of legal age and of good moral character, who has had not less than six years of practical experience in architectural or engineering work or surveying under the direction or supervision of a registered architect or a registered engineer or a registered surveyor, or of an architect or engineer or surveyor of equivalent professional standing, or who is a graduate in architecture or engineering of a college or school of recognized standing, and who has had not less than two years of such experience under like conditions, who desires to begin the practice of architecture or engineering or surveying as a principal or in responsible charge of such work, may upon the payment of a fee of five dollars, apply for examination for a certificate under this Act, and before receiving such certificate shall satisfactorily pass an examination in the English language and in such other appropriate subjects as are established by the Board, and satisfy it as to his practical experience and general standing and ability; and shall pay the fee hereinafter provided for the certificate of registration: Provided, That time spent as a student of architecture or engineering in a college or school

of recognized standing shall be considered the equivalent of an equal amount of practical experience.

Sec. 14. The Board shall register architects and engineers of other States and of foreign countries to engage as principals, in the practice of architecture and engineering within the State of Michigan, when they are recognized as consulting specialists in some branch of their profession and have had at least ten years of experience as such, or when they present credentials showing that they have qualified for such work under equivalent laws of their own states or governments and are still in good standing thereunder: Provided, That such laws extend similar privileges to registrants under this Act.

Sec. 15. The result of every examination or other evidence of qualifications, as provided by this Act, shall be recorded by the Secretary of the Board, and the Board shall issue a certificate to every person having passed such examination and being otherwise qualified to receive the same. All certificates issued before the first day of January, nineteen hundred twenty-five, shall expire on that date, and those issued thereafter shall expire on the first day of January of nineteen hundred thirty and of each fifth year thereafter, and shall be subject to renewal upon application therefor not less than thirty days preceding the date of expiration, upon payment of the fee hereinafter provided.

Sec. 16. The Board may by a five-sevenths vote revoke any certificate upon written notice to the holder thereof giving him not less than thirty days' notice of an opportunity for a hearing before the Board, upon proof that such certificate has been obtained by fraud or misrepresentation, or upon proof that the holder of such certificate has been guilty of malfeasance or gross incompetency in connection with his practice of architecture or engineering or surveying.

Sec. 17. Every person having passed an examination as hereinbefore provided shall pay upon registration a fee of fifteen dollars to the Board and every person registered without examination shall pay a fee of twenty dollars to the Board, and each person shall thereupon receive a certificate of registration, and before the issuance of a renewal certificate shall pay an additional fee of five dollars.

Sec. 18. The Board shall forward each original certificate to and register the same with the Secretary of State of Michigan, by whom it shall be signed and sealed and returned to the Board to be mailed to the registrant.

Sec. 19. After the first day of March, nineteen hundred twenty, neither the State, nor any county, township, municipality or village shall engage in the construction or maintenance of any public work of an architectural or engineering character, for which construction or maintenance, the plans, specifications and estimates shall not have been prepared by a registered architect or a registered engineer under this Act with qualifications appertaining to such work, and the construction of which is not supervised by such a registered architect or registered engineer: Provided, That nothing in this section shall be held to apply to items of maintenance, repair or construction wherein the contemplated expenditure for the completed project does not exceed two thousand dollars.

Sec. 20. After the first day of March, nineteen hundred twenty, no city or village plat, or plat of an addition thereto or of a subdivision thereof, or any plat dividing land into streets, lots or blocks, shall be received for record, which has not been prepared by a registered engineer or a registered surveyor and signed by him as such.

Sec. 21. Nothing in this act shall prevent any person from doing any of the engineering, architectural or surveying work mentioned herein upon or in connection with the construction of residence buildings, barns or garages and other private buildings.

Sec. 22. Any violation of the provisions of this Act shall be a misdemeanor, punishable for the first offense by a fine of not more than one hundred dollars, and for a subsequent offense by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court.

Sec. 23. Act number one hundred twenty of the Public Act of nineteen hundred fifteen, entitled "An Act to Provide for the Registration of Architects and Regulating the Practice of Architecture as a Profession," and all other acts or parts of acts in contravention hereof, are hereby repealed, and all moneys remaining with the State Treasurer in the separate fund created by said Act shall be transferred to the corresponding fund herein provided for within thirty days of the time at which this act goes into effect, and all records accumulated by the Board under said Act shall be delivered to the Board herein created.

This Act takes effect August 14, 1919.

STATE OF MINNESOTA

MINNESOTA STATE BOARD OF REGISTRATION FOR ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Chairman—PAUL DOTY, 427 Portland Avenue, St. Paul, Minn.

Vice-Chairman—N. Y. TAYLOR, Litchfield, Minn.

Secretary-Treasurer—H. T. DOWNS, 804 Phoenix Building, Minneapolis, Minn.

A. F. GAUGER, Central-Metropolitan Bank Building, St. Paul, Minn.

F. G. GERMAN, 411 Exchange Building, Duluth, Minn.

F. W. McKELLIP, Box 425, Faribault, Minn.

D. W. WOODBRIDGE, 612 Sellwood Building, Duluth, Minn.

BOARD OF REGISTRATION FOR ARCHITECTS, PRO- FESSIONAL ENGINEERS, AND LAND SURVEYORS

ST. PAUL, MINN.

RULES AND REGULATIONS

RULE 1

Applications for Registration: These may be made either for registration without examination as provided in Section 9 of the General Laws of Minnesota for 1921, chapter 523 (hereafter referred to as the Act) or for reciprocal registration, or for admittance to examination for registration, all as provided in the above section. Applicants for registration without examination shall be referred to herein as of Class 1; those applying for reciprocal registration as of Class 2; and others as of Class 3. Class 1 is limited to those who can show to the satisfaction of the Board of Registration for Architects, Professional Engineers, and Land Surveyors (hereafter referred to as the Board) that they have been actively engaged for six or more years in architectural or engineering work prior to October 25, 1921, or engaged for four or more years in surveying work prior to the same date, and are otherwise qualified as required by the Act. Class 2 is limited to those who can show the Board, by legally certified copies of registration certificates issued by the District of Columbia, by at least one state aside from Minnesota, or by the Dominion of Canada, that they are duly registered where the requirements for registration by examination are equal to those fixed by the Board for this State. Class 3 includes all applicants other than the above, and applications under this class are limited to those who can show to the satisfaction of the Board that they are qualified to be admitted to examination for registration by the Board.

RULE 2

Form of Applications: These shall always be made on printed blanks issued by the Board. No applications made otherwise will be acceptable for filing. In event that the forms issued by the Board do not contain sufficient space for evidence the applicant desires to present, he may attach additional

sheets to said form, to any extent he may wish, but such sheets are to be of the same size as the printed forms, and securely attached thereto.

RULE 3

Class 1 Applications: Applicants will be required to furnish information on the following: Color, name, age, sex, place of birth, citizenship, residence, place and nature of present business (and, in the case of engineering applicants, the particular branch or branches of engineering under which the applicant seeks to register) service, if any, in the military, naval, or engineering branches of the United States government, record of professional career during a period of at least six years for architects and engineers, and of four years for land surveyors, as required in the Act, and evidence of good character. In addition to submitting full information on the above, the applicant is invited to submit as complete an account of his educational and professional and business career as he considers desirable in order to aid the Board in determining that he is qualified for the registration that he seeks. It should be made clear to applicants that favorable action in any case will be facilitated by the amplitude and comprehensiveness of the evidence submitted, and that the Board does not desire applicants to be limited to the six or four year periods specified. Statements as to professional practice and experience should contain specific references to important works with which the applicant has been connected, and the names of persons given as references should be in such a way that the Board if it desires may communicate with them in order to substantiate any statements made. Professional papers, technical books, photographs, patents, reports or other documentary evidence of the applicant's qualifications may be referred to in the application. Prolixity and unnecessary verbiage and detail are to be avoided. To a certain extent the manner in which an application is prepared and submitted will be considered by the Board in determining qualifications of applicant. Evidence as to character shall accompany applications, through at least two reputable persons or firms. Applications shall be accompanied by the registration fee of \$25.00, as required by law, and applications not so accompanied shall be returned with notification to the applicant of the cause of return. Applications must be attested on oath or affirmed before a notary public or other qualified official.

RULE 4

Class 2 Applications: Applicants will be required to furnish properly attested certificates of registration in the District of Columbia, in any state or territory of the United States, or in any province of Canada, where the requirements for registration are equal to those fixed by the Board for this State, together with an attested copy of the evidence of character there submitted by them. Applications under Class 2 must also be accompanied by the registration fee of \$25.00, as required by law.

RULE 5

Class 3 Applications: Applicants will be required to furnish information on the same subjects as is required of those under Class 1, except that

the record of professional career need not be for the period of six or four years, as required. If there has been a professional career then applicants will furnish a record thereof, basing this on the information given above for Class 1 applicants. In connection with these applications, the training and experience of the applicant will be the basis on which the Board will determine 60 out of 100 total points of the examination. It is therefore important that the applicant shall appreciate that his ultimate rating will depend to a considerable extent on the nature of the disclosure made by him as to education and experience, and that he exercise due care to prepare a careful and well supported record of these. Applications shall be accompanied by the registration fee of \$25.00 as required by law. Applications must be attested on oath or affirmed before a notary public or other qualified official.

Note: In the case of land surveyors the fee required by law, and to be forwarded with the application for registration, for all the above mentioned classes, is \$10.00.

RULE 6

Registration in Class 1 and Class 2. If after the examination of the evidence submitted, or such other evidence as the Board may require, secure, or possess, the Board is satisfied that the applicant has the qualifications necessary for registration as an architect, as a professional engineer of the especial branch or branches in which he has expressed desire to be registered or in which the Board deems him to be sufficiently proficient, or as a land surveyor, the applicant shall be so notified, and the Board shall forthwith cause applicant to be registered as of the proper classification or classifications, and shall issue a suitable certificate of registration, duly executed.

RULE 7

Examinations: Committees of the Board, appointed from time to time, will conduct examinations at meetings held for that purpose. The recommendations of these committees shall be at once submitted to the Board for final action. In the case of Class 3 applications, if from the evidence submitted or such other evidence as the Board require, secure, or possess, it is satisfied that an applicant is entitled to be admitted for examination, he shall be so notified and a time and place for the examination shall be fixed by the Board.

The nature of this examination and the ratings thereunder are as follows:

Maximum points:

Education, training and experience.....	60
Oral test.....	20
Written test.....	20

The applicant must receive at least 70 points out of the possible 100 as above, in order to secure registration under the act. At least 25 of these points must be obtained through the oral and written tests combined. In written tests the applicant will be permitted the use of such books of reference as he requires. All applications for examination must be in the hands of the Secretary of the Board at least 30 days prior to the date set for examination.

The examining committee shall execute certificate setting forth the result of each examination, these to be called "Examiners' Certificates." These will form a part of the records of the Board, and will be attached to and form a part of the appurtenant papers in each case, duplicate copies of which papers shall be kept by the Board among the records of the State.

RULE 8

References: Upon receipt of applications the secretary shall prepare a digest of the information contained therein and at convenient intervals shall mail same to each member of the Board, and these shall promptly acquaint the secretary with information known to them reflecting on the verity of the statements of the applicant. Such information shall be attached to the application for the use of the Board. The secretary shall by means of prepared blanks use due diligence in inquiring concerning the truthfulness of applicant's statements, from the references given or from others whom the Board or the secretary may suggest. All information received from such references shall be and remain confidential.

RULE 9

Records: The secretary shall keep a record in connection with applications for registration; which shall be a duplicate of the informations submitted in the applications, together with the result of the application. He shall maintain a list of all registered architects, professional engineers, and of the especial branch or branches of engineering under which they are registered, and of land surveyors, with their registration numbers. There shall be two of such lists, one by priority of number and one alphabetical.

RULE 10

Rejections: In case of the rejection of applications the unsuccessful applicant shall be notified, both of the fact and of the reason, and shall then be invited to submit additional evidence bearing on the case; unless the rejection be by reason of alleged improper conduct or unsuitable character, in which cases the Board may or may not extend invitation for additional evidence. A rejected applicant may, if invited, file with the Board any reason he desires in support of a claim for reconsideration or re-examination. It will be the policy and intent of the Board to give rejected applicants every reasonable opportunity to support claims for reconsideration or re-examination, and to consider such evidence as may have been omitted or overlooked on the original application or examination. In case of final rejection the applicant's fee shall be refunded.

RULE 11

Certificates of Registration: These shall be in a form adopted by the Board; they shall bear on their face a notation stating whether the registrant has qualified as an architect, a land surveyor, or in what particular branch or branches of engineering he has been admitted to registration. Registrants under the Act and doing business with the public on their own account or as chief executive or consultants, should keep their certificates of registration

posted conspicuously in their places of business, where the public may readily examine the same.

RULE 12

Official Stamps: All maps, plans, diagrams, or other drawings and all specifications, reports, estimates, or other documents prepared by a registrant under the Act for issuance to the public, or a client, and for which compensation is received by him, in whole or in part, should bear on their face an official stamp containing the name and registered number of the registrant or registrants responsible therefor. This stamp shall be of a form approved by the Board, and there shall be general uniformity in the type of stamps thus used.

RULE 13

Registration Numbers: These will be issued by the board consecutively in the order in which applicants qualify before the Board. No discrimination or preferences will be permitted in issuing registration numbers to registrants.

RULE 14

Transfer Certificates: Upon request registrants are entitled to receive from the Board certified copies of their certificates of registration.

THE MINNESOTA LAW

Approved April 25, 1921

CHAPTER 523—S. F. No. 258

AN ACT

TO REGULATE THE PRACTICE OF ARCHITECTURE, PROFESSIONAL
ENGINEERING AND LAND SURVEYING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Architects, Engineers and Surveyors to be Registered.

In order to safeguard life, health and property, any person practicing or offering to practice as an architect, a professional engineer or a land surveyor in this State shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided; and from and after six months after this Act becomes effective, it shall be unlawful for any person to practice or to offer to practice in this State as an architect, a professional engineer (hereinafter called engineer) or a land surveyor except under the provisions of this Act.

Sec. 2. **Not to Apply to Practicing Architects, etc.** Nothing in this Act shall be construed as requiring registration for the continuation of his practice, by any person who prior to the passage of this Act resided in this State and practiced as an architect, as an engineer or as a land surveyor; provided, however, no person shall represent himself as, or use the title of, "Registered Architect," "Registered Professional Engineer" or "Registered Land Surveyor," unless such person is qualified by registration under this Act; nor shall anything in this Act be construed as requiring registration by any

person, not an architect or an engineer, who may engage in work of an architectural or engineering character; provided, that such person shall not represent himself as a registered architect or as a registered engineer; and provided further, that on drawings, specifications or other documents prepared or issued by such person, he shall not use the title Registered Architect or Registered Engineer, or any other title implying that he is a registered architect or a registered engineer: Nor shall anything in this Act be construed as requiring registration by any person selected by any municipality or other public authority to perform public work in the State of Minnesota.

Sec. 3. State Board of Registration of Architects Created—Terms—Appointment. To carry out the provisions of this Act there is hereby created a State Board of Registration for architects, engineers and land surveyors (hereinafter called the Board) consisting of seven members, who shall be appointed by the Governor within sixty days after this Act becomes effective. Three members shall be registered architects, three members shall be registered engineers and one member shall be a registered land surveyor. Not more than one member of said Board shall be from the same branch of the profession of engineering. The members of the first Board shall be appointed to serve for the following terms: two members for one year; two members for two years; two members for three years; and one member for four years, said terms ending on the first day of January of the succeeding years. On the expiration of each of said terms the term of office of each newly appointed or reappointed member of the Board shall be for a period of four years and shall terminate on the first day of January; except that each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified. The Governor may remove any member of the Board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the Board, however created, shall be filled by appointment by the Governor for the unexpired term.

Sec. 4. Qualifications of Members of Board. Each member of the Board shall be a citizen of the United States and a resident of this State at the time of his appointment. He shall have been engaged in the practice of his profession for at least ten years and shall have been in responsible charge of work for at least five years. He shall be a member in good standing of a recognized society of architects, engineers or land surveyors, and except as provided in Section 5, shall be a registered architect, registered engineer or registered land surveyor.

Sec. 5. Powers and Duties. Each member of the Board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. Each member of the Board first created shall receive a certificate of registration under this Act from the Governor of this State. The Board or any committee thereof shall be entitled to the services of the Attorney General in connection with the affairs of the Board, and the Board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The Board shall adopt and have an official seal which shall be affixed to all certi-

ificates or registration granted; and shall make all by-laws and rules not inconsistent with law needed in performing its duties; and shall fix standards for determining the qualifications of applicants for certificates, which shall not exceed the requirements contained in the curriculum of a recognized school of architecture or engineering.

Sec. 6. Meetings—Officers—Quorum. The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect annually from its members a chairman, a vice-chairman and a secretary-treasurer. A quorum of the Board shall consist of not less than four members, of whom two shall be architects and two engineers.

Sec. 7. Fees to be Used for Expenses—Compensation of Members. All fees and other monies accruing from the operation of this Act shall be paid to the Board and shall be used for the purpose of this Act. The expenses of the Board shall be paid by voucher made by the secretary-treasurer and approved by the chairman. Each member of the Board shall receive such compensation as the Board may direct, not to exceed \$10.00 per day for time spent in attending meetings of the Board. The members of the Board shall be reimbursed for actual expenses incurred in travel to and from meetings and for expenditures for hotel bills, meals, stationery, postage, printing, type-writing and the like necessary expenses incurred in the performance of their duties under this Act. The secretary-treasurer of the Board shall give a surety bond satisfactory to the State Treasurer conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the Board.

Sec. 8. Records—Reports. The Board shall keep a record of its proceedings and a register of all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the Board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered architects, engineers and land surveyors shall be prepared by the secretary-treasurer of the Board during the month of January of each year; such roster shall be printed out of the funds of the Board as provided in Section 7. On or before the first day of February of each year the Board shall submit to the Governor and file with the Secretary of State a copy of the report of its transactions for the preceding year together with a complete statement of the receipts and expenditures of the Board signed by the chairman and the secretary-treasurer, accompanied by a certified audit, and a copy of the said roster of registered architects, registered engineers and registered land surveyors.

Sec. 9. Application for and Issuance of Certificates. The Board shall, on application therefor, on prescribed form and the payment of a fee of not to exceed Twenty-five (\$25.00) Dollars issue a certificate of registration as

an architect or an engineer, and on the payment of a fee of not to exceed Ten (\$10.00) Dollars issue a certificate of registration as a land surveyor;

1. To any person over twenty-five (25) years of age, who is a citizen of the United States or Canada, or who has made declaration of his intention to become a citizen of the United States; who speaks and writes the English language; who is of good character and repute, and has been actively engaged for six or more years in architectural or engineering work, or engaged for four or more years in surveying work. The character of such work shall be equal to the standards fixed by the Board. Each year of teaching or of study satisfactorily completed, of architecture, engineering or surveying in a school of architecture or engineering of a standard recognized by the Board, shall be considered as equivalent to one year of such active engagement.

2. To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia, in any state or territory of the United States, or in any province of Canada, in which the requirements for the registration of architects, engineers or land surveyors are equal to those fixed by the Board for this State.

When the evidence presented by an applicant for a certificate of registration does not appear to the Board as conclusive or as warranting the issuance of a certificate, the Board may require further evidence to be presented, or may subject the applicant to such examination as may be deemed necessary to establish his qualifications.

In determining the qualifications of applicants for registration as architects, a majority vote of the architect members of the Board only, shall be required; in determining the qualifications of applicants for registration as engineers a majority vote of the engineer members of the Board only, shall be required; and in determining the qualifications of applicants for registration as land surveyors the affirmative vote of the land surveyor member and of one engineer of the Board only, shall be required.

Any person so qualified may be registered in two or all of the three professions covered by this Act; but the aggregate fee for such registration shall not exceed Twenty-five (\$25.00) Dollars.

In case the Board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the Board to the applicant.

Certificate of registration shall expire on the last day of the calendar year for which they are issued and shall become invalid on that date unless renewed. It shall be the duty of the secretary-treasurer of the Board to notify, by mail, every person registered hereunder of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of Five (\$5.00) Dollars for an architect or an engineer, and Two (\$2.00) Dollars for a land surveyor. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of his right of renewal thereafter, but the fees to be paid for the renewal of the certificate after the succeeding first day of January shall be

Seven (\$7.00) Dollars or an architect or an engineer, and Three (\$3.00) Dollars for a land surveyor. The aggregate fee for renewal of registration in two or three of the professions shall be the same as the single renewal fee for registration as an architect or an engineer.

Sec. 10. Certificates may be Revoked for Cause—Reissue. The Board shall have the power to revoke the certificate of registration of any architect, engineer or land surveyor registered hereunder, who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence, incompetency or misconduct in the practice of architecture, engineering or land surveying. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any architect, engineer or land surveyor registered hereunder. Such charges shall be in writing, sworn to by the complainant and submitted to the Board; and unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the Board. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such service cannot be effected thirty days before the hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel, to cross-examine witnesses against him and to produce evidence and witnesses in his defense. If after said hearing five or more members of the Board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of architecture, engineering or land surveying, the Board shall revoke the certificate of registration of the accused.

The Board may reissue a certificate of registration to any person whose certificate has been revoked, provided five or more members of the Board vote in favor of such reissuance for reasons the Board may deem sufficient.

A new certificate of registration to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the Board. A charge of one dollar shall be made for such reissuance.

Sec. 11. Certificate to be Evidence. The issuance of a certificate of registration by this Board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered architect, registered engineer or registered land surveyor while the said certificate remains unrevoked or unexpired.

Each registrant hereunder may upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend "Registered Architect," "Registered Professional Engineer" or "Registered Land Surveyor." Plans, specifications, plats, reports or other documents issued by a registrant may be stamped with said seal during the life of registrant's certificate, but it shall be unlawful for anyone to stamp or seal any document with said seal after the certificate of the registrant named thereon has expired or has been revoked.

Sec. 12. Violations—Penalties. Any person who after this Act has been in effect six months is not authorized to practice in this State as a registered architect, a registered engineer or a registered land surveyor under the provisions of this Act and shall so practice, or offer so to practice, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the Board or to any member thereof, for the purpose of obtaining a certificate of registration, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor; and shall for each such offense of which he is convicted be punished by a fine of not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment for three months, or by both fine and imprisonment. However, nothing in this Act shall be construed as excluding any registered architect from doing work of an engineering character, nor of excluding any registered engineer from doing work of an architectural character.

Sec. 13. Exemptions. The following shall be exempted from the provision of this Act:

1. Offering to practice in this State as an architect, and engineer or a land surveyor, by any person not a resident of and having no established place of business in this State.
2. Practice as an architect, an engineer or a land surveyor in this State by any person not a resident of and having no established place of business in this State, when this practice does not aggregate more than thirty days in any calendar year; provided, that said person is legally qualified for such professional service in his own State or country.
3. Practice as an architect, an engineer or a land surveyor in this State by any person not a resident of and having no established place of business in this State, or any person resident in this State, but whose arrival in the State is recent; provided, however, such person shall have filed an application for registration as an architect, an engineer or a land surveyor and shall have paid the fee provided for in Section 9 of this Act. Such exemption shall continue for only such reasonable time as the Board requires in which to consider and grant or deny the said application for registration.
4. Practice as an architect, an engineer or a land surveyor by any person not a resident of, and having no established place of business in this State, as a consulting associate of an architect, an engineer or a land surveyor registered under the provisions of this Act; provided the non-resident is qualified for such professional service in his own State or country.
5. Practice as an architect, an engineer or a land surveyor solely as an officer or as an employee of the United States.

Sec. 14. Corporations May Engage in Work if Responsible Head is Registered. A corporation or partnership may engage in work of an

architectural or engineering character, or in land surveying, in this State, provided the person or persons connected with such corporation or partnership in responsible charge of such work is or are registered as herein required of architects, engineers and land surveyors, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this Act.

Sec. 15. **Definitions.** Land surveying as covered by this Act refers only to surveys for the establishment or re-establishment of land boundaries, the subdivision and platting of land and the determination of areas.

Sec. 16. **Inconsistent Acts Repealed.** All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 17. This bill shall take effect and be in force from and after its passage.

Approved April 25, 1921.

STATE OF NEW JERSEY

THE NEW JERSEY LAW

Approved April, 1921

AN ACT

TO REGULATE THE PRACTICE OF PROFESSIONAL ENGINEERS
AND LAND SURVEYORS.

BE IT ENACTED BY THE SENATE AND GENERAL ASSEMBLY OF
THE STATE OF NEW JERSEY:

1. In order to safeguard life, health and property any person practicing or offering to practice professional engineering or land surveying in this State, shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be licensed as hereinafter provided and from and after two years after the date upon which this Act becomes effective, it shall be unlawful for any person to practice or to offer to practice professional engineering or land surveying in this State, unless such person has been duly licensed under the provisions of this Act.

Nothing in this Act shall be construed as requiring licensing for the purpose of practicing professional engineering or land surveying by any person, firm or corporation upon property owned or leased by such person, firm or corporation, unless the same involves the public safety or health.

2. To carry out the provisions of this Act, there is hereby created an examining board for the licensing of professional engineers and land surveyors, which Board shall consist of five (5) members who shall be appointed by the Governor of the State of New Jersey, with the advice and consent of the Senate, within sixty days after the passage of this Act, or as soon as practicable thereafter. The first members of said Board shall be appointed to serve for the following terms: One member for one (1) year, one member for two (2) years, one member for three (3) years, one member for four (4) years and one member for five (5) years. On the expiration of each of said terms, the term of office of each newly appointed or reappointed member shall be for a period of five (5) years. Each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. The term of office of the members of said Board shall commence on the first day of May, nineteen hundred and twenty-one. Vacancies in the membership of the Board, however created, shall be filled by appointment of the Governor with the advice and consent of the Senate, for the unexpired term.

3. Said Board, when so appointed, shall be designated and known as the "State Board of Professional Engineers and Land Surveyors."

No person shall be appointed upon said Board who is not a citizen of

the United States and a resident of this State at the time of his appointment, and who has not been engaged in the practice of professional engineering or land surveying at least ten (10) years, and who shall not have been in responsible charge of professional engineering or land surveying for at least five (5) years.

After this Act shall become effective, no person shall be appointed as member of said Examining Board who shall not be a licensed professional engineer under the provisions of this Act.

The members of said Examining Board shall receive no compensation for their service, but shall be reimbursed for all necessary travelling, hotel, incidental and clerical expenses incurred in carrying out the provisions of this Act; *provided, however*, that the total of such expenses shall not exceed the total receipts from fees during any fiscal year.

4. Each member of the Examining Board before entering upon the duties of his office, shall subscribe to an official oath of office as provided by an Act entitled "An Act Prescribing the Official Oaths of All Public Officers" approved April twentieth, one thousand nine hundred and twenty, which oath shall be filed in the office of the Secretary of State.

The Examining Board shall be entitled to the services of the Attorney General in connection with the affairs of the Board and the Board shall have power to compel the attendance of witnesses, and any member thereof may administer oaths and the Board may take testimony and proofs concerning all matters within its jurisdiction.

The Examining Board shall adopt and have an official seal and shall make all by-laws and rules, not inconsistent with law, necessary or desirable in performing its duty.

5. Said Examining Board shall within thirty days after its members are appointed, meet and organize by electing a president, vice-president and a secretary and treasurer, who shall hold their respective offices for one (1) year from the date of election and until their successors have been elected and have qualified.

The treasurer shall give bond for the faithful performance of his duties, in such sum as the Board shall determine.

The secretary elected by the Board need not be a member of said Board and shall receive such salary, not exceeding five hundred dollars per year, as said Board shall determine, subject, however, to the provisions of section three hereof.

Said Board shall meet at least semi-annually and special meetings may be held at such times as the by-laws of the Board may provide.

Notice of all meetings shall be given in the manner provided by the by-laws.

A quorum of the Examining Board shall consist of three (3) members.

6. The treasurer of the Board shall receive and account for all moneys derived from the operation of this act and shall pay therefrom, upon resolution of the Board, all expenses incurred by the said Board, including the salary of the secretary, in carrying out the provisions of this Act.

An itemized account of all receipts and expenditures of the Board shall be

kept by the said treasurer and a detailed report thereof, verified by the affidavit of said treasurer, shall be filed with the Secretary of State within twenty days after the close of the Board's fiscal year.

The Secretary of State shall be paid such fees for filing the report as are now paid for filing similar papers in his office. All surplus in the hands of the Board at the end of the fiscal year shall be paid to the State Treasurer.

7. The Examining Board shall keep a record of its proceedings and a roster of all applicants for license, showing for each the date of application, name, age, education and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected or a certificate of license granted, and the date of such action.

The books and register of the Examining Board shall be prima facie evidence of all matters recorded therein. The roster showing the names and places of business and of residences of all licensed professional engineers and land surveyors shall be prepared by the Secretary of the Board during the month of June of each year; such roster shall be printed and a copy mailed to each license and a copy mailed to the clerk of each city, town, township, village, borough, county and other municipal corporation of this State, which roster shall be placed on file in the office of said clerk.

8. The Examining Board, upon application therefor, on prescribed forms, and upon the payment of a fee of twenty-five (\$25.00) dollars, except in cases where the applicant applies for license to practice both professional engineering and land surveying, when the fee shall be thirty-five (\$35.00) dollars, and except as hereinafter provided, shall under the following conditions, issue a certificate of license:

(a) To any person who submits evidence satisfactory to the Board, that he or she is fully qualified to practice professional engineering or land surveying.

(b) To any person who holds a like unexpired certificate of license issued to him or her by proper authority, in the District of Columbia or in any State or Territory of the United States in which the requirements for the license or registration of professional engineers or land surveyors are of a standard satisfactory to the Board; *provided, however*, that no person shall be eligible for license as a professional engineer who is under twenty-one years of age or who is not of good character and repute or who has not been actively engaged for four (4) or more years in the practice of professional engineering of a grade satisfactory to the Examining Board and who shall not have had responsible charge of work as assistant to a professional engineer for at least one (1) year.

And provided, further, that no person shall be eligible for license as a land surveyor who is under twenty-one years of age and who is not a citizen of the United States or who has not made declaration of his or her intention to become a citizen of the United States, or who does not speak and write the English language or who is not of good character and repute and who has not been actively engaged for three (3) or more years in the practice of land surveying of a grade satisfactory to the Board; *provided, however*.

each two (2) years of study satisfactorily completed, of engineering in a school of engineering of standing satisfactory to the Board, shall be considered as equivalent to one (1) year of such active practice.

Unless disqualifying evidence be before the Board, the following facts established in the application shall be regarded as *prima facie* "evidence satisfactory to the Board" that the applicant has fully qualified to practice professional engineering or land surveying:

I. Six or more years of active engagement in professional engineering work, one of which shall have been in responsible charge of work, or in the case of applicants for a license as land surveyors, four or more years of active engagement in land surveying work of a character satisfactory to the Board.

II. Graduation after a course of not less than four (4) years in engineering, from a school or college approved by the Board as of satisfactory standing and an additional four (4) years of active engagement in professional engineering, one year of which shall have been in responsible charge of work, or two (2) years of active engagement in professional land surveying satisfactory to the Board.

Applicants for license, in cases where the evidence originally presented in the application does not appear to the Board to be conclusive, or to warrant the issuance of a certificate, may present further evidence for the consideration of the Board which may include the results of a required examination.

In determining the qualifications of applicants for license as professional engineers or land surveyors, character shall be given predominant weight and a majority vote of the members of the Board shall be required to pass upon the issuance of a license to any applicant.

9. The said Board after examination or receiving other evidence of qualifications as provided by this Act, shall issue a license to the applicant therefor, certifying said applicant to have passed such examination or as being otherwise qualified to practice professional engineering and land surveying.

Any person receiving such license shall cause the same to be recorded in the office of the Secretary of State, in a book to be kept for that purpose, and shall pay such recording fee as may be provided by law for the recording of similar documents.

10. Such certificate of license shall expire on the thirtieth day of April following its issuance or renewal and shall become invalid on that day unless renewed.

It shall be the duty of the Secretary of the Board to notify by mail every person licensed hereunder, of the date of the expiration of his or her certificate and the amount of the fee required for its renewal for one (1) year, and such notice shall be mailed at least one (1) month in advance of the date of the expiration of said certificate.

Renewal may be effected at any time during the month of April by payment of a fee of one (\$1.00) dollar to the Secretary of the Board. The failure on the part of any licensee to renew his certificate annually in the month of April, as required above, shall not deprive such person of the right of

renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of April shall be increased ten per centum (10%) for each month or a fraction of a month that payment for renewal is delayed; *provided, however*, that the maximum fee for a delayed renewal shall not exceed the sum of two (\$2.00) dollars.

11. The Examining Board shall have the power to revoke the certificate of license of any professional engineer or land surveyor licensed hereunder who is found guilty by said Board of any fraud or deceit in obtaining a certificate of license, or of gross negligence, incompetency or misconduct in the practice of engineering or land surveying.

Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any professional engineer or land surveyor hereunder.

Such charges shall be in writing and sworn to by the complainant and submitted to the Board. Such charges unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three (3) months after the date on which they are preferred. The time and place for such hearing shall be fixed by the Board. A copy of the charges, together with a notice of the time and place of hearing shall be personally served on the accused at least thirty (30) days before the day fixed for the hearing, and in the event that such service cannot be effected thirty (30) days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross examine witnesses against him or her and to produce evidence and witnesses in his or her defense. If after said hearing three or more members of the Board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of professional engineering or land surveying, the Board shall revoke the certificate of license of the accused. The Board may under circumstances which to it may seem proper, reissue a certificate of license to any person whose certificate has been revoked. The Secretary of the Board shall within thirty (30) days notify the clerk of each city, town, township, village, borough and other municipal corporation of this State of its revocation of a certificate of license or of the reissuance of a revoked certificate of license.

A new certificate of license to replace any certificate lost, destroyed or mutilated, may be issued subject to the rules and regulations of the Board. A charge of ten (\$10.00) dollars shall be made for such reissuance.

12. The issuance of a certificate of license by the Board shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer or land surveyor while the said certificate remains unrevoked or unexpired.

Each licensee hereunder may upon being licensed obtain a seal of a design authorized by the Board bearing the licensee's name and the words "Licensed Professional Engineer" or "Licensed Land Surveyor," or both. Plans, specifications, plats and reports issued by a licensee shall be stamped with said seal

during the life of licensee's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the licensee named thereon has expired or has been revoked unless said certificate has been renewed or reissued.

13. Any person who after this Act has been in effect two (2) years, is not legally authorized to practice professional engineering or land surveying in this State according to the provisions of this Act, and shall so practice or offer so to practice in this State, except as provided in section fourteen of this Act, and any person presenting or attempting to file as his own the certificate of license of another, or who shall give false or forged evidence of any kind to the Board, or to any member thereof, in obtaining a certificate of license, or who shall falsely impersonate another licensed practitioner of like or different name, or who shall use or attempt to use an expired certificate of license or an unexpired and revoked certificate of license, shall be deemed guilty of a misdemeanor and punishable upon conviction thereof by a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars or by imprisonment for a term not exceeding three months, or by both fine and imprisonment.

All fines collected for the violation of any of the provisions of this Act shall be paid to the treasurer of this Board to be held, disposed and accounted for by him as herein directed, and it shall be the duty of the county collector of each county, upon receipt by him of any such fine, to forthwith pay over same to the treasurer of said Board; said Board or any member or officer thereof may prefer a complaint for violation of this law before any court, tribunal or magistrate having jurisdiction and may by its officers, counsel and agents, aid in presenting the law or facts before said court, tribunal or magistrate in any proceeding taken thereon, and it shall be the duty of the prosecutor of the pleas of the counties in this State to prosecute all violations of the provisions of this Act.

14. The following shall be exempted from the provisions of this Act:

(1) Practice as a professional engineer or land surveyor in this State by any person not a resident of this State and having no established place of business in this State, when such practice does not aggregate more than thirty days in any calendar year; provided, that said person is legally qualified for such professional service in the State or country of his residence.

(2) Practice as a professional engineer or land surveyor in this State by any person not a resident of and having no established place of business in this State, or any person who has resided in this State for less than three months; *provided, however*, such person shall have filed an application for license as a professional engineer or land surveyor and shall have paid the fee provided for in section eight of this Act. Such exemption shall continue for only such time as the Board requires to act upon the said application for license.

(3) Engaging in professional engineering or land surveying as an employee or pupil of, or under the direction of a licensed professional engineer or a licensed land surveyor, or as an employee or pupil of, or under the direction of a professional engineer or land surveyor authorized by paragraphs two

and three of this section; *provided*, that said practice shall not include responsible charge of design or supervision as principal.

(4) Practice of professional engineering or land surveying solely as an officer or as an employee of the United States.

(5) Practice of professional engineering or land surveying solely as an employee of this State or any political subdivision thereof at the time this Act becomes effective and thereafter only until the expiration of the then existing term of office of such employee.

(6) The practice of engineering or land surveying solely as an officer or employee of a corporation engaged in Interstate Commerce as defined in the act to regulate commerce, approved February fourth, one thousand eight hundred and eighty-seven, and as amended.

15. Two years after the date upon which this Act becomes effective, no county, city, town, township, village, borough or other municipal corporations or other political subdivisions in the State shall engage in the construction or maintenance of any public work involving professional engineering or land surveying for which plans, specifications and estimates have not been made by, and the construction and maintenance supervised by a licensed professional engineer or land surveyor; *provided*, that nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the completed project does not exceed two thousand (\$2,000) dollars.

16. Land surveying as covered by this Act refers to surveys for the determination of areas or for the establishment or re-establishment of land boundaries and the subdivision and platting of land. Nothing in this Act shall be construed as prohibiting licensed professional engineers from making land surveys where such surveys are essential to engineering projects, nor as prohibiting any person from doing land surveying; *provided* he does not hold himself out to be a licensed land surveyor, and accept or receive compensation for such service.

17. Professional engineering as covered by this Act means the practice of the professional engineer who through technical knowledge gained by education and experience in one or more branches of that profession initiate, investigate, plans and directs the application of the resources of nature to the use and convenience of man; and who represents himself or herself to be such an engineer, either through the use of the term engineer with or without qualifying adjective, or through the use of some other title implying that he or she is such an engineer.

18. All acts and parts of acts inconsistent herewith are hereby repealed and this Act shall take effect immediately.

STATE OF NEW YORK

NEW YORK STATE BOARD OF LICENSING FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Chairman—A. H. HOOKER, Hooker Electro-Chemical Works, Niagara Falls, N. Y.
Vice-Chairman—PERCY E. BARBOUR, Engineering Building, 39 W. 39th Street, New
York City.

Secretary—H. G. REIST, General Electric Co., Schenectady, N. Y.

W. G. ELIOT, No. 1 West 54th Street, New York City.

M. PALMER, Eastman Kodak Co., Rochester, N. Y.

THE NEW YORK LAW

Effective May 5, 1921

CHAPTER 581

AN ACT

TO AMEND THE GENERAL BUSINESS LAW, IN RELATION TO THE
LICENSING OF PROFESSIONAL ENGINEERS AND LAND SUR-
VEYORS, GENERALLY.

Became a law May 5, 1921, with the approval of the Governor. Passed,
three-fifths being present.

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Article four-a of chapter twenty-five of the laws of nineteen
hundred and nine, entitled "An act relating to general business, constituting
chapter twenty of the consolidated laws," as added by chapter seven hundred
and seventy-five of the laws of nineteen hundred and twenty, is hereby amended
to read as follows:

ARTICLE IV-A

ENGINEERS AND SURVEYORS

- Section 37. Engineers and surveyors to be licensed.
38. Appointment of the board.
39. Qualifications and expenses.
- 39-a. Powers of the board.
- 39-b. Organization and meetings of the board.
- 39-c. Receipts and disbursements.
- 39-d. Records and reports.
- 39-e. Applications for and issuance of certificates.
- 39-f. Certificates.
- 39-g. Expiration and renewal of certificates.
- 39-h. Revocation and reissue of certificates.
- 39-i. Significance of certificate.
- 39-j. Unlawful acts and penalties.

- 39-k. Exemptions.
- 39-l. Public work.
- 39-m. Land surveying.
- 39-n. Professional engineering.
- 39-o. Construction of this article.

Section 37. Engineers and Surveyors to be Licensed. In order to safeguard life, health and property, any person practicing or offering to practice professional engineering or land surveying in this state shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided, and from and after two years after this act becomes effective it shall be unlawful for any person to practice or to offer to practice professional engineering or land surveying in this state, unless such person has been duly licensed under the provisions of this act.

Sec. 38. Appointment of the Board. To carry out the provisions of this act there is hereby created a state board of licensing for professional engineers and land surveyors, hereinafter called the "board," consisting of five members, who shall be appointed by the regents of the university of the state of New York within sixty days after this act becomes effective or as soon as possible thereafter. The members of the first board shall be appointed to serve for the following terms: one member for one year; one member for two years; one member for three years; one member for four years, and one member for five years. On the expiration of each of said terms the term of office of each newly appointed or reappointed member of the board shall be for a period of five years. Each member shall hold over after the expiration of his term until his successor shall be duly appointed and qualified. The regents may remove any member of the board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the board, however created, shall be filled by appointment by the regents for the unexpired term.

Sec. 39. Qualifications and Expenses. Each member of the Board shall be a citizen of the United States and a resident of this state at the time of his appointment. He shall have been engaged in the practice of the engineering profession for at least ten years and shall have been in responsible charge of work for at least five years. Each member of the board first created shall receive a certificate of license under this act from the regents of this state and thereafter appointees to the board shall be licensed professional engineers. Each member of the board shall receive a compensation determined by the regents for attending sessions of the board or of its committees, and for the time spent in necessary travel, and, in addition, shall be reimbursed for all necessary traveling, incidental and clerical expenses incurred in carrying out the provisions of this act.

Sec. 39-a. Powers of the Board. Each member of the Board shall receive a certificate of appointment from the regents, and before beginning his term of office he shall file with the secretary of state the constitutional oath of office. The board or any committee thereof shall be entitled to the services of the attorney-general, in connection with the affairs of the board, and the board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction.

The board shall adopt and have an official seal which shall be affixed to all certificates of license granted: and shall make all by-laws and rules not inconsistent with law needed in performing its duty.

Sec. 39-b. Organization and Meetings of the Board. The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each succeeding calendar year. Special meetings shall be held at such times as the by-laws of the board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect annually from its members a chairman, a vice-chairman and a secretary. A quorum of the board shall consist of not less than three members.

Sec. 39-c. Receipts and Disbursements. The Secretary of the Board shall receive and account for all moneys derived from the operation of this act and shall pay them to the regents who shall pay therefrom all expenses incurred by the board, the secretary of said board and the regents, in carrying on the provisions of this act, and shall pay any portion of the moneys received, which shall remain after the payment of these expenses into the state treasury.

Sec. 39-d. Records and Reports. The Board shall keep a record of its proceedings and a register of all applicants for license, showing, for each, the date of application, name, age, education and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a certificate of license granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all licensed professional engineers and land surveyors shall be prepared by the secretary of the board during the month of January of each year; such roster shall be printed by the regents, and a copy mailed to each licensee and a copy mailed to and placed on file by the clerk of each county in the state.

Sec. 39-e. Applications for and Issuance of Certificates. The regents, on application therefor, on prescribed forms and the payment of a fee of twenty-five dollars, except in cases where the applicant applies for license to practice professional engineering or land surveying when the fee shall be thirty-five dollars; and except as hereinafter provided, shall on the recommendation of the board issue a certificate of license:

1. To any person who submits evidence satisfactory to the board that he or she is fully qualified to practice professional engineering or land surveying.

Provided, however, that no person shall be eligible for license as a professional engineer who is under twenty-one years of age, who is not of good character and repute, and who has not been actively engaged for four or more years in the practice of professional engineering of a character satisfactory to the board.

Provided, however, that no person shall be eligible for license as a land surveyor who is under twenty-one years of age, who is not a citizen of the United States, or who has not made declaration of his or her intention to become a citizen of the United States, who does not speak and write the English language, who is not of good character and repute, and who has not

been actively engaged for three or more years in the practice of land surveying of a character satisfactory to the board.

However, each two years of study, satisfactorily completed, of engineering in a school of engineering of standing satisfactory to the regents shall be considered as equivalent to one year of such active practice.

Unless disqualifying evidence be before the board, the following facts established in the application shall be regarded as *prima facie* "evidence, satisfactory to the board," that the applicant is fully qualified to practice professional engineering or land surveying.

(a) Six or more years of active engagement in professional engineering work, one of which shall have been in responsible charge of work, or in the case of applicants for license as a land surveyor, four or more years of active engagement in land surveying work of a character satisfactory to the board;

(b) Graduation, after a course of not less than four years in engineering from a school or college approved by the regents as of satisfactory standing, and an additional four years of active engagement in professional engineering, one of which shall have been in responsible charge of work, or two years of active engagement in professional land surveying of a character satisfactory to the board.

Applicants for license, in cases where the evidence originally presented in the application does not appear to the board conclusive or warranting the issuance of a certificate, may present further evidence, which may include the results of a required examination, for the consideration of the board.

In determining the qualifications of applicants for license as professional engineers or land surveyors a majority vote of the members of the board shall be required to pass the candidate.

In case the board denies the issuance of a certificate to an applicant, the license fee deposited shall be returned by the regents to the applicant.

2. To any person who holds an unexpired certificate of license issued to him or her by a legally constituted board of examiners in the District of Columbia or in any state or territory of the United States in which the requirements for the license or registration of professional engineers or land surveyors are of a standard not lower than those prescribed in this state, provided that an agreement of reciprocity in the matter of indorsement of such certificates of license shall have been entered into between the regents of the university of the state of New York, the board of examiners of this state and the like duly constituted authorities in the District of Columbia or in any other state or territory of the United States.

Sec 39-f. Certificates. The result of every examination or other evidence of qualifications, as provided by this article, shall be reported to the board of regents by the board of license, and a record of the same shall be kept by the board of regents and the board of regents shall, unless deemed otherwise advisable, issue a certificate of license to every person certified by the board of license as having passed such examination or as being otherwise qualified to be entitled to receive the same.

Sec. 39-g. Expiration and Renewal of Certificates. Such certificates shall expire on the last day of the month of December following their issuance

or renewal and shall become invalid on that date unless renewed; provided, however, that certificates issued between December first and December thirty-first in any year shall not expire until December thirty-first of the year following. It shall be the duty of the secretary of the board to notify by mail every person licensed hereunder of the date of the expiration of his or her certificate and the amount of the fee required for its renewal for one year; and such notice shall be mailed at least one month in advance of the date of the expiration of said certificate.

Renewal may be effected at any time during the month of December by the payment of a fee of one dollar to the secretary of the board. The failure on the part of any licensee to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per centum for each month or a fraction of a month that payment for renewal is delayed; provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

Sec. 39-h. Revocation and Reissue of Certificates. The regents shall have the power, on the recommendation of the board, to revoke the certificate of license of any professional engineer or land surveyor licensed hereunder who is found guilty of any fraud or deceit in obtaining a certificate of license or of gross negligence, incompetency or misconduct in the practice of professional engineering or land surveying. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any professional engineer or land surveyor hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the board. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such service cannot be effected thirty days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses against him or her and to produce evidence and witnesses in his or her defense. If after said hearing three or more members of the board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate or of gross negligence, incompetency or misconduct in the practice of professional engineering or land surveying, the board shall recommend to the regents the revocation of the certificate of license of the accused.

The regents may, on recommendation of the board, reissue a certificate of license to any person whose certificate has been revoked.

The regents shall within thirty days notify the clerk of each county in the state of its revocation of a certificate of license or of its reissuance of a revoked certificate of license.

A new certificate of license to replace any certificate lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board. A charge of ten dollars shall be made for each reissue.

Sec. 39-i. Significance of Certificate—Seals. The issuance of a certificate of license by the regents shall be evidence that the person named therein is entitled to all the rights and privileges of a licensed professional engineer or land surveyor, while the said certificate remains unrevoked or unexpired.

Each licensee hereunder may upon being licensed obtain a seal of the design authorized by the board, bearing the licensee's name and the legend "licensed professional engineer" or "licensed land surveyor." Plans, specifications, plats and reports issued by a licensee may be stamped with said seal during the life of licensee's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the licensee named thereon has expired or has been revoked unless said certificate has been renewed or reissued.

Sec. 39-j. Unlawful Acts and Penalties. Any person who after this act has been in effect two years is not legally authorized to practice professional engineering or land surveying in this state according to the provisions of this act and shall so practice, or offer so to practice, in this state, except as provided in section thirty-nine-k of this act, and any person presenting or attempting to file as his own the certificate or license of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of license, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or unexpired or revoked certificate of license, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for three months, or by both fine and imprisonment.

Sec. 39-k. Exemptions. The following shall be exempted from the provisions of this act:

1. Offering to practice in this state as a professional engineer or land surveyor by any person not a resident of and having no established place of business in this state.

2. Practice as a professional engineer or land surveyor in this state by any person not a resident in this state and having no established place of business in this state, when such practice does not aggregate more than thirty days in any calendar year provided that said person is legally qualified for such professional service in his own state or country.

3. Practice as a professional engineer or land surveyor in this state by any person not a resident of and having no established place of business in this state, or any person resident in this state, but whose arrival in the state is recent; provided, however, such a person shall have filed an application for license as a professional engineer or land surveyor, and shall have paid the fee provided for in section thirty-nine-o* of this act. Such exemption shall

* So in original (should be e)

continue for only such reasonable time as the board requires in which to consider and grant or deny the said application for license.

4. Engaged in professional engineering or land surveying as an employee or pupil of or under the direction of a licensed professional engineer or a licensed land surveyor, or as an employee or pupil of or under the direction of a professional engineer or land surveyor authorized by paragraphs two and three of this section, provided that said practice may not include responsible charge of design or supervision as principal.

5. Practice of professional engineering or land surveying solely as an officer or as an employee of the United States.

6. Practice of professional engineering or land surveying solely as an employee of this state or any political subdivision thereof, at the time this act becomes effective and thereafter only until the expiration of the then existing term of office of such employee.

Sec. 39-l. Public Work. Two years after this Act goes into effect, no county, city, town or village or other political subdivision in the state, shall engage in the construction or maintenance of any public work involving professional engineering or land surveying for which plans, specifications and estimates have not been made by, and the construction and maintenance supervised by, a licensed professional engineer or land surveyor; provided, that nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the completed project does not exceed two thousand dollars.

Sec. 39-m. Land Surveying. Land surveying for the purposes of this article means the survey of areas for their correct determination and description, and for conveyancing when that is involved, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof.

Sec. 39-n. Professional Engineering. A person practices professional engineering within the meaning and intent of this article, except as hereinafter stated, who holds himself out as able to do, or who does, the work that an engineer does in the planning, designing, constructing, inspecting and supervising of engineering work, or appliances involved in public or private projects, or in making investigations for proposed engineering projects.

Sec. 39-o. Construction of this Article. Nothing herein shall apply to a corporation, partnership or joint-stock association, provided the person or persons carrying on the actual practice of engineering on behalf of such corporations, partnerships or joint-stock associations shall be licensed engineers and nothing in this article shall be construed to apply to the preparation or execution of designs, drawings, plans or specifications for the construction or installation of machinery or apparatus constructed or installed by the corporation, partnership or joint-stock association preparing such designs, drawings, plans or specifications if the supervision of the preparation of any such designs, drawings, plans or specifications, construction or installation shall be under the general direction of a licensed engineer, and nothing in this article shall be construed as prohibiting licensed professional engineers from making

land surveys, where such *suveys are essential to engineering projects, nor as prohibiting any person from surveying land in parcels more than one acre in area when the same is not within the boundaries of cities or incorporated villages, provided such person does not represent or hold himself out as being a licensed land surveyor.

2. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

3. This act shall take effect immediately.

STATE OF NEW YORK, }
Office of the Secretary of State. } ss:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

JOHN J. LYONS,
Secretary of State.

* So in original (word misspelled)

STATE OF NORTH CAROLINA

NORTH CAROLINA STATE BOARD OF REGISTRATION FOR ENGINEERS AND LAND SURVEYORS

Chairman—CHAS. E. WADDELL, 78 Patton Avenue, Asheville, N. C.
Vice-Chairman—GILBERT C. WHITE, Charlotte, N. C.
Secretary—HARRY TUCKER, 1301 Hillsboro Road, W. Raleigh, N. C.

THE NORTH CAROLINA LAW

Ratified February 25, 1921

[PUBLIC LAWS, SESSION 1921.]

AN ACT

TO REGULATE THE PRACTICE OF ENGINEERING AND LAND SURVEYING.

THE GENERAL ASSEMBLY OF NORTH CAROLINA DO ENACT:

Section 1. In order to safeguard life, health, and property, any person practicing or offering to practice engineering or land surveying in this State shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be registered as hereinafter provided; and from twelve months after this act becomes effective it shall be unlawful for any person to practice or to offer to practice engineering or land surveying in this State, except as herein provided, unless such person has been duly registered under the provisions of this act.

Evidence of qualification.

Registration.

Practice unlawful without registration.

Sec. 2. Nothing in this act shall be construed as requiring registration for the purpose of practicing engineering or land surveying by an individual, firm, or corporation on property owned or leased by said individual, firm, or corporation, unless the same involves the public safety or health.

Private practice.

Sec. 3. To carry out the provisions of this act, there is hereby created a State Board of Registration for Engineers and Land Surveyors, hereinafter called the "board," consisting of five members, who shall be appointed by the Governor within sixty days after this act becomes effective. At least one member of such board shall be appointed from the engineering faculty of the North Carolina State College of Agriculture and Engineering, and at least one member from the engineering faculty of the University of North Carolina. Not more than three members of said board shall be from the same branch of the profession of engineering. The members of the first board shall be appointed to serve for the following terms: Two members for one year, two members for two years, and one member for four

State Board of Registration for Engineers and Land Surveyors.

Number and Appointment.

Qualifications for appointees.

Branches of profession.

Terms of office.

Terms of successors.

years; said terms ending on the thirty-first day of December of the succeeding year. On the expiration of each of said terms the term of office of each newly appointed or reappointed member of the board shall be for a period of four years and shall terminate on the thirty-first day of December. Each member shall hold over after the expiration of his term until the successor shall be duly appointed and qualified. The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board, however created, shall be filled by appointment by the Governor for the unexpired term.

Removal for cause.

Vacancies.

Requisites for appointment.

Sec. 4. Each member of the board shall be a citizen of the United States and a resident of this State at the time of his appointment. He shall have been engaged in the practice or teaching of his profession for at least ten years. Each member of the board shall receive ten dollars (\$10) per day for attending sessions of the board or of its committees, and for the time spent in necessary travel, and, in addition, shall be reimbursed for all necessary traveling, incidental, and clerical expenses incurred in carrying out the provisions of this act.

Pay.

Certificate of appointment.
Oath of office.

Sec. 5. Each member of the board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. Each member of the board first created shall receive a certificate of registration under this act from the Governor of the State. The board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The board shall adopt and have an official seal, which shall be affixed to all certificates of registration granted; and shall make all by-laws and rules not inconsistent with law, needed in performing its duty.

Certificate of registration.

Power to administer oaths, compel attendance of witnesses, and take testimony.

Official seal.

By-laws.

First meeting.

Sec. 6. The board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect annually from its members a chairman, a vice-chairman, and a secretary. A quorum of the board shall consist of not less than three members.

Regular meeting.

Special meetings.

Notice of meetings.

Organization.

Quorum.

Fund of Board of Registration for Engineers and Land Surveyors.

Sec. 7. The secretary of the board shall receive and account for all moneys derived from the operation of this act and shall pay them to the State Treasurer, who shall keep such moneys in a separate fund, to be known as the "Fund of the Board of Registration for Engineers and Land Surveyors," which fund shall be continued from year to year, and shall be drawn against only for the purpose of this act as herein provided. All expenses

Appropriation of fund.

Warrants on fund.

certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, shall be paid out of said fund on the warrant of the Auditor of the State, issued on requisition signed by the chairman and secretary of the board: *Provided, however,* that at no time shall the total of warrants issued exceed the total amount of funds accumulated under this act. The secretary of the board shall give a surety bond satisfactory to the State Treasurer, conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the board.

Sec. 8. The board shall keep a record of its proceedings and a register of all applicants for registration showing for each the date of application, name, age, education and other qualifications, place of business and place of residence, and whether the applicant was rejected or a certificate of registration granted, and the date of such action. The books and register of the board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered engineers and land surveyors shall be prepared by the secretary of the board during the month of January of each year; such roster shall be printed by the board out of the fund of the said board as provided in section seven, and a copy mailed to and placed on file by the clerk of each incorporated city, town and county in the State. On or before the first day of March of each year the board shall submit to the Governor a report of its transactions for the preceding year, and shall file with the Secretary of State a copy of such report, together with a complete statement of the receipts and expenditures of the board, attested by the affidavits of the chairman and the secretary, and a copy of the said roster of registered engineers and registered surveyors.

Sec. 9. The board shall, on application therefor, on prescribed form, and the payment of a fee of twenty-five dollars (\$25) by engineers, or the payment of a fee of ten dollars (\$10) by land surveyors, issue a certificate of registration:

(1) To any person who submits evidence satisfactory to the board that he or she is fully qualified to practice engineering, or land surveying, such evidence after January first, one thousand nine hundred and twenty-three, to include an examination, oral or written; or

(2) To any person who holds a like unexpired certificate of registration issued to him or her by proper authority in any state or territory of the United States in which the requirements for the registration of engineers or land surveyors are of a standard satisfactory to the board: *Provided, however,* that the Engineering Registration Board of said states or territories shall

Proviso: Limitation.

Bond of secretary.

Premium on bond.

Record of proceedings and register of applicants.

Prima facie evidence.

Roster of engineers and surveyors.

Annual report.

Issue of Certificates. Fees.

Evidence of qualification.

Persons registered in other states.

Proviso: Reciprocal rights.

grant full and equal reciprocal registration rights and privileges to North Carolina registrants:

Proviso: Persons ineligible.

Provided, however, that no person shall be eligible for registration who is under twenty-one years of age, who is not a citizen of the United States, who does not speak and write the English language, who is not of good character and repute.

Evidence satisfactory to the board.

Unless disqualifying evidence be before the board, the following facts established in the application shall be regarded as prima facie "evidence satisfactory to the board," that the applicant is fully qualified to practice engineering or land surveying, or both:

Experience.

(a) Five (5) or more years of active engagement in engineering, or three or more years active practice in land surveying, at the time this act is ratified: *Provided, however,* each year of teaching, or of study satisfactorily completed, in a college of standing satisfactory to the board shall be considered as equivalent to one year of such active practice: *Provided further,* the period spent in the army, navy, marine corps, or other Government service of the United States in the late war by any student whose engineering education was interrupted by such service shall also be counted as equivalent to an equal period of active practice: *Provided, however,* application for registration is made within twelve (12) months after the ratification of this act.

Proviso: Equivalents of experience.

Proviso: War service.

Proviso: Time for application.

Graduation from school or college.

(b) Graduation, after a course of not less than four (4) years, in engineering from a school or college approved by the board as of satisfactory standing.

Membership in approved societies.

(c) Full membership in the American Society of Civil Engineers, American Institute of Chemical Engineers, American Institute of Electrical Engineers, American Society of Mechanical Engineers, American Institute of Mining and Metallurgical Engineers, American Society of Naval Architects and Marine Engineers, or such other National or State engineering or architectural societies as may be approved by the board, the requirements for full membership of which are not lower than the requirements for full membership in the professional societies or institutes named above.

Applicants may present further evidence.

Applicants for registration, in cases where the evidence originally presented in the application does not appear to the board conclusive or warranting the issuance of a certificate, may present further evidence which may include the results of a required examination, for the consideration of the board.

Return of registration fees.

In case the board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the board to the applicant.

Expiration and renewal of certificates.

Certificates of registration shall expire on the last day of the month of December following their issuance or renewal, and

shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of January by the payment of a fee of five dollars (\$5) to the secretary of the board. The failure on the part of any registrant to renew his certificate annually in the month of January, as required above, shall not deprive such person of the right of renewal thereafter, but the fee paid for the renewal of a certificate after the month of January shall be increased ten per cent for each month or fraction of a month that payment for renewal is delayed: *Provided, however,* that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

Notice of expiration.

Renewal on payment of fee.

Penalty for delay in renewal.

Proviso: Maximum fee.

Sec. 10. The board shall have the power to revoke the certificate of registration of any engineer or land surveyor registered hereunder who is found guilty of any fraud or deceit in obtaining a certificate of registration, or gross negligence, incompetency or misconduct in the practice of engineering or land surveying. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any engineer or land surveyor registered hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges, unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three (3) months after the date on which they are preferred. A time and place for such hearing shall be fixed by the board and held in the county in which said charges originated. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty (30) days before the date fixed for the hearing, and in the event that such service cannot be effected thirty (30) days before such hearing, then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel, and to cross-examine witnesses against him or her and to produce evidence or witnesses in his or her defense. If after said hearing the board unanimously votes in favor of finding the accused guilty of any fraud or deceit in obtaining the certificate, or of gross negligence, incompetency, or misconduct in the practice of engineering or land surveying, the board shall revoke the certificate of registration of the accused.

Revocation of license.

Charges filed and sworn to.

Hearing on charges.

Service of charges.

Rights of accused.

Revocation by unanimous vote.

The board may reissue a certificate of registration to any person whose certificate has been revoked: *Provided,* three or

Reissue of revoked certificate.

Proviso: Three affirmative votes.

more members of the board vote in favor of such reissuance for reasons the board may deem sufficient.

Notice of revocation and reinstatement.

The board shall immediately notify the Secretary of State and the clerk of each incorporated city, town or county in the State of its findings in the case of the revocation of a certificate of registration or of its reissuance of a revoked certificate of registration.

Lost certificates.

A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations of the board.

Evidence carried by certificate.

Sec. 11. The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered engineer or registered land surveyor, or both, while the said certificate remains unrevoked or unexpired.

Seal of registrant.

Each registrant hereunder shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "registered engineer," or "registered land surveyor." Plans, specifications, plats and reports issued by a registrant shall be stamped with said seal during the life of registrant's certificate, but it shall be unlawful for anyone to stamp or seal any document or documents with said seal after the certificate of the registrant named thereon has expired or has been revoked unless said certificate has been renewed or reissued.

Documents under seal.

Use of seal after expiration of revocation of license.

Acts declared misdemeanor.

Sec. 12. Any person who, after this act has been in effect twelve (12) months, is not legally authorized to practice engineering or land surveying in this State, according to the provisions of this act, and shall practice or offer to practice engineering or land surveying in this State, except as provided in sections thirteen (13) and fifteen (15) of this act, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than one hundred dollars (\$100) or by imprisonment for three (3) months, or by both fine and imprisonment, in the discretion of the court.

Punishment.

Exemptions.

Sec. 13. The following shall be exempted from the provisions of this act:

Persons not resident of and having no office in State.

(a) Any person or persons offering to practice in this State, as an engineer or land surveyor, not a resident of and having no established place of business in this State.

Persons temporarily in State.

(b) Practice as an engineer or land surveyor in this State

by any person not a resident of this State, and having no established place of business in this State, when this practice does not aggregate more than thirty (30) days in any calendar year: *Provided*, that said person is legally qualified for such professional service in his own State or country.

Proviso: Qualification in State of residence.

(c) Practice as an engineer or land surveyor in this State by any person not a resident of this State and having no established place of business in this State, or any person resident in this State but whose arrival in the State is recent: *Provided, however*, such person shall have filed an application for registration as an engineer or land surveyor and shall have paid the fee provided for in section nine of this act. Such exemption shall continue for only such reasonable time as the board requires in which to consider and grant or deny the said application for registration.

Persons recently arrived in State.

Proviso: Application for certificate filed.

Limit of exemption.

(d) Engaging in engineering or land surveying as an employee, or assistant, of a registered engineer or a registered land surveyor, or as an employee or assistant of a nonresident engineer or a nonresident land surveyor, provided for in paragraphs (b) and (c) of this section, provided that said work as an employee may not include responsible charge of design or supervision.

Employees or assistants of registered engineers or surveyors.

(e) Practice of engineering or land surveying by any person not a resident of and having no established place of business in this State, as a consulting associate or an architect, engineer or a land surveyor registered under the provisions of this act: *Provided*, the nonresident is qualified for such professional service in his own State or country.

Consulting associates.

(f) Practice of engineering and land surveying solely as an officer or as an employee of the United States.

Officers or employees of United States.

Sec. 14. A corporation or partnership may engage in the practice of engineering or land surveying in this State: *Provided*, the person or persons connected with such corporation or partnership in charge of the designing or supervision which constitutes such practice is or are registered as herein required of engineers and land surveyors. The same exemptions shall apply to corporations and partnerships as apply to individuals under this act.

Corporations.

Proviso: Persons connected with corporation qualified.

Sec. 15. Land surveying as covered by this act refers only to surveys for the determination of areas, or for the establishment or reestablishment of land boundaries and the subdivisions and platting of land, and making plats, maps, and drawing descriptions of the lands or lines so surveyed, platted or investigated. Nothing in this act shall be construed as prohibiting a duly qualified registered engineer from making land surveys; nor as prohibiting any person from doing land surveying provided he does not represent himself to be a registered land surveyor.

Land surveying.

Land surveying by engineers.

Land surveyor not registered.

Repealing clause.

Sec. 16. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 17. This act shall be in force from and after its ratification.

Ratified this the 25th day of February, A. D. 1921.

STATE OF OREGON

OREGON STATE BOARD OF ENGINEERING EXAMINERS

OFFICE—520 Corbett Building, Portland, Ore.

President—O LAURGAARD.

Vice-President—F. D. WEBER.

Secretary—A. B. CARTER.

F. S. BAILLIE.

E. G. HOPSON.

R. R. BARTLETT.

G. A. COVELL.

W. B. DENNIS.

FRED HESSE.

J. H. LEWIS.

INFORMATION TO APPLICANTS FOR REGISTRATION

All applicants should familiarize themselves with the Act of 1919, providing for the registration of professional engineers in Oregon. The Board of Engineering Examiners created by this Act to carry out its provisions is now prepared to accept applications for registration, and has established rules and regulations governing the necessary procedure in applications and examinations.

Applications have been divided into two classes, viz: those for registration without examination, under Section 11 of the Act, and those for registration consequent to examination, under Sections 8, 9 and 16 of the Act. The former class of application is called Class 1 Applications; the latter, Class 2 Applications. This pamphlet deals only with Class 2 Applications, Class 1 Applications being dealt with in another pamphlet.

All applications for registration shall be made on the printed forms supplied by the Board on request. When duly filled in as directed, and attested before a notary or other qualified official, such applications should be submitted to the secretary of the Board and *an acknowledgment obtained therefor*. Attention is called to the importance of the applicant receiving an acknowledgment of the receipt of his application, as applications may be lost in transmission, unnoticed without such acknowledgment, and the Board will not accept responsibility therefor.

Class 2 Applications for registration require the applicant to show that he is more than 21 years of age, that he is of good character, and that he has been engaged upon engineering work for at least six years, and during that period has had charge of engineering work, as principal or assistant, for at least one year; or in the event he has not had six years' practice as above, that he is a graduate from an engineering school of recognized good reputation, and has been engaged upon engineering work for at least two years, and during that period has been in charge of engineering work, as principal or assistant, for at least one year.

All statements made by applicant must be attested before a notary or

other qualified official. and in addition the applicant *must submit evidence, satisfactory to the Board, verifying the statements submitted by him.*

The above is the information required by the Board under the Act to determine whether applicant may be admitted to examination.

The scope of the examinations are prescribed by the Board to cover the education and experience of the applicant as well as certain oral and written tests. The Board has determined that 60 out of a possible 100 marks may be given to the education and experience of the applicant, and for convenience both of the Board and the applicant it has been decided that the statement and the evidence submitted by the applicant with his application will be the basis of the determination of his rating for education and experience in the examination.

For this reason it is necessary for the applicant to submit a complete record of his education and experience, not only during the limited periods prescribed in Section 8 of the Act, but during his entire career. To this end specific references should be given to all educational courses, studies, or degrees received, also to all important work or works with which applicant has been connected. This should be given with dates and clear reference to individuals or firms which can be communicated with to substantiate the statements submitted to the Board.

In submitting these statements and evidence it is important that applicants should understand that registration under this Act *is not intended by the state to be a process contrived for the benefit of professional engineers, but for the protection of the public against the incompetent practitioner*, and that action by the Board toward registering applicants will be directed to this end, and this end alone.

For that reason applicants must convince the Board they have clear records of integrity of character and are professionally qualified within the meaning of the Act, to the end that the public interest will be served by their practice of the profession of engineering. *The burden of proof must lie with the applicant.* as the Board can not accept any mere statement unless it is supported by references of reasonable sufficiency, or is within the personal knowledge of the Board. The Board does not pretend to dictate the nature of the evidence that it will accept, as the scope of engineering practice is too wide to permit definition in any pamphlet like this. It purposes to leave these matters to the discretion of the applicant himself, to a considerable extent.

Applicants may refer to books, treatises, reports, patents, or other documentary matter written by or issued to them in connection with engineering practice, and which they can submit to the Board, on request. The manner in which applications are prepared and submitted must necessarily impress the Board to a certain extent in regard to the qualification of the applicant. It is, therefore, particularly requested that applicants use care in preparing clear and comprehensive, but reasonably concise statements, well supported by references (with addresses), with whom the Board may communicate, or with such other evidence as will, in the judgment of the applicant, be convincing to the Board. It is also requested that applications and evidence be typewritten if possible.

Class 2 Applications will not be accepted unless accompanied with the \$10 fee prescribed by the Act. Any application unaccompanied with such fee or otherwise irregular will be returned to the applicant.

Persons desiring to make application should request the secretary of the Board to furnish them the necessary blank forms of application and references approved for the purpose.

Class 2 Applications will be received by the Board of Engineering Examiners at any time, but attention is directed to the fact that "*after January 1, 1920, no person shall practice professional engineering without having been first duly and regularly registered by the Board as a professional engineer as required by this Act, etc.*" (See Section 2 of the Act.)

Applicants are also reminded of the fact that there will undoubtedly be a great mass of business for the Board to handle prior to January 1, 1920, in the way of disposing of applications and holding examinations; also that the procedure is new and the time required uncertain, particularly in connection with communicating with references and obtaining information from a distance. For these reasons it is highly important that applications be handed in to the Board at the earliest possible date in order that examinations may be held and certificates issued by January 1, 1920. The Board desires to make it clear that applicants can not expect favorable action, before January 1, 1920, can be had in the case of late applications.

All engineers engaged in military or naval forces of the United States are entitled to make applications and qualify for license to practice engineering without examination, at any time within one year after their honorable discharge from the service.

In case of loss of certificate, duplicate may be received from the secretary of the State Board of Engineering Examiners on payment of a fee of \$5.

All checks covering license fees should be made payable to the secretary of the State Board of Engineering Examiners.

STATE OF OREGON BOARD OF ENGINEERING EXAMINERS RULES AND REGULATIONS

(Issue of August, 1919)

RULE 1

Applications for Registration. These may be made either for registration without examination as provided in Sections 11 and 16 of the Laws of Oregon of 1919, Chapter 381 (referred to herein as the act), or for admittance to examination for registration as provided in Sections 8, 9 and 16 of the said act. Applicants for registration without examination are limited to those that can show to the satisfaction of the State Board of Engineering Examiners that they have practiced as professional engineers for at least six years prior to their application and are otherwise qualified as required by the said Sections 11 and 16 of the act, provided they are registered by the board, except discharged soldiers, not later than January 1, 1920. For convenience all applications for registration without examinations are referred to as Class 1

applications. All applicants for registration, other than those entitled to registration without examination, are limited to those that can show to the satisfaction of the said board they are qualified to be admitted for examination, as provided in Sections 8, 9 and 16 of said act. All applications other than Class 1 applications are referred to as Class 2 applications.

RULE 2

Form of Applications. These shall always be made on printed forms issued by the board. No application made otherwise than on such forms will be accepted for filing by the board. In the event the printed forms issued by the board do not contain sufficient space for evidence to be submitted, the applicant may attach additional sheets to said form to any extent desired by applicant, but such attached sheets shall for convenience of filing be of the same size as the printed forms and shall be securely attached thereto.

RULE 3

Class 1 Applications. Applicants will be required to furnish information on the following: Name, age, place of birth, citizenship, residence, place of business, nature of present business, military service record (if any), record of professional career during a period of at least six years as required by Section 11 of the act, and evidence of good character. In addition to submitting full information on the above, the applicant is invited to submit as complete a narrative account of his educational and professional and business career as he considers desirable to aid the board in determining that he is a qualified professional engineer. It should be made clear to all applicants that favorable action by the board in any case will be facilitated by the amplitude and comprehensiveness of the evidence submitted, and that the board does not desire applicants to limit their evidence to the six-year period mentioned in the act. All statements as to professional practice and experience should contain specific references to important work or works with which the applicant has been connected, and the names of references, with addresses, should be given in such way that the board may if it desires communicate with the references to substantiate any statements made. Any professional papers, technical books, patents, reports or other documentary evidence of the applicant's qualification may be referred to in the application. Evidence as to character shall accompany the application, through at least two reputable persons or firms. All Class 1 applications shall be accompanied by the licensing fee of \$15 as required by law. Any application not so accompanied shall be returned promptly to the applicant with notification of the cause of said return. No application will be accepted that has not been attested on oath before a notary public or other qualified official.

RULE 4

Class 2 Applications. Applicants will be required to furnish information on the following: Name, age, place of birth, citizenship, education, resi-

dence, place of business, nature of present business, military service record (if any), record of professional career, with dates, giving specific references to important work or works with which the applicant has been connected, together with references to such individuals or firms as will enable the board, if necessary, to substantiate the statements made.

In connection with Class 2 applications, the training and experience of the applicant will be the basis on which the board will determine 60 out of total of 100 points in the examination. It is therefore important that the applicant shall fully understand that his ultimate rating will largely depend on the satisfactory nature of the showing made by him as to education and experience, and that he exercises due care in preparing a careful and well supported record of these. The statement should be comprehensive, but concise. Prolixity and unnecessary verbiage and detail in descriptions are to be avoided. To a certain extent the manner in which an application is prepared and submitted will be taken into account by the board in determining the qualifications of the applicant. References as to character will be required as in Class 1 applications. All Class 2 applications must be accompanied by the \$10 licensing fee required by law and attested before a notary public or other qualified official. Applications not so accompanied will be returned.

RULE 5

Registration Class 1 Applications. If after examination of the evidence submitted, or such other evidence as the board may require or secure, the board is satisfied that the applicant possesses the qualification of a professional engineer required by the act in such case, the applicant shall be so notified, and the board shall forthwith cause applicant to be registered as a professional engineer and shall issue a certificate of registration duly executed as required by the act, provided that no certificate shall be issued by the board under Class 1, except in case of honorably discharged soldiers, later than January 1, 1920.

RULE 6

Examinations. Members of the Board will conduct examinations at meetings held for that purpose. At any such meeting the act requires a quorum of three, and the action taken at such meeting on applications, will be final and will constitute action by the board as a whole.

The members of the board at special meetings held for purposes of examination are required by the act to execute certificates stating the action taken on each application, such certificate to constitute a part of the files of the board. For convenience of reference such certificates will be termed "examiners' certificates." These will be prepared on printed forms and when filled out and executed by the members of the board, acting in the examinations, will be attached to the applications and other appurtenant papers in each case, and filed by the secretary of the board at the office of the board. Duplicate copies of the examiners' certificates shall also be filed at least each year in some place of safety, preferably in the state capitol at Salem.

In the case of Class 2 applications, if from the evidence submitted or such other evidence as the board may require or secure, the board is satisfied that an applicant is entitled under the act to be admitted for examination, the applicant shall be so notified by the board, and a time and place of the examination shall be determined by the board.

The nature of the examinations and the ratings that will be given are as follows:

	Maximum Points
Education, training and experience.....	60
Oral test	20
Written test	20
	100

The applicant must receive at least 70 points out of the possible 100, to be accepted as a registered professional engineer under the act. At least 25 of these points must be obtained by the oral and written tests collectively. In written tests the applicant will be permitted to use such books of reference as he may desire. All applications for examinations must be in possession of the secretary of the board at least thirty days prior to the date set for examination.

RULE 7

References. Upon receipt of each application regularly made, the secretary shall prepare a digest of the information contained therein and at convenient intervals shall mail same to each and every member of the board, who shall as promptly as possible acquaint the secretary with any information known to them reflecting upon the verity of the applicant's statements. Such information shall be attached to the application by the secretary for use by the board in considering the application. The secretary shall also by means of blanks specially prepared for this purpose use due diligence in inquiring concerning the truthfulness of the applicant's statements from the references given, or by such other means as the board may deem expedient.

RULE 8

Records. The secretary shall keep in duplicate a record in connection with applications for registration. This record shall show the name, residence, and age of applicant, the date of his application, the date of his examination, and the fact whether he is admitted for registration or rejected. He shall also keep a duplicate of all registered professional engineers, together with their registration numbers. He shall also keep in duplicate an alphabetical index of registered engineers, together with their registration numbers, their date of registration, and their residence, as shown on the application blank. A special record of all engineers with their professional record shall be kept in each branch of engineering by the secretary.

RULE 9

Rejections. In the case of rejections of applications, for any reason, the applicant shall be so notified and at the same time invited to submit additional evidence that he is entitled to have his case considered or to be readmitted to examination. A rejected applicant shall on request be fully informed as to the reason for the rejection of his application, and he may thereafter file with the board any reason he desires to support a claim for reconsideration or re-examination. It will be the policy and intention of the board to give rejected applicants every reasonable opportunity to support claims for reconsideration and to consider such evidence as may have been omitted or overlooked on the original application or examination.

RULE 10

Certificates of Registration. These shall bear on their face a notation stating the particular branch or branches of engineering in which the applicant submitted evidence that he was qualified to practice, or in which he was examined by the board. Professional engineers registered under the act, and doing business with the public on their own account or as chief executives or consultants, shall keep their certificates of registration issued by the board posted conspicuously in their place of business, where the public can readily examine said certificate. Failure to so maintain the certificate, after notification by the board, will be construed by the board as *prima facie* evidence of the intent to deceive the public and under Section 12 of the act the certificate may be held subject to revocation.

RULE 11

Official Stamps. All maps, plans, diagrams, or other drawings and all specifications, reports, estimates or other documents prepared by a professional engineer for issuance to the public, and for which compensation is received by him, in whole or in part, shall bear on their face an official stamp containing the name and registration number of the professional engineer or engineers responsible therefor. This stamp shall be of the form approved by the board.

Failure on the part of any registered engineer to comply with this requirement after due notification by the board will be construed by the board as *prima facie* evidence of intent to deceive the public and under Section 12 of the Act his certificate may be held subject to revocation.

RULE 12

Registration Numbers. These will be issued by the Board consecutively in the order in which applicants make application to and qualify before the board. No discrimination or preferences will be permitted in issuing registration numbers to individuals. The first ten numbers will be reserved for the use of the members of the board, and secretary.

THE OREGON LAW

Effective May 25, 1921

EXHIBIT NO. 1

GENERAL LAWS OF OREGON FOR 1919, CHAPTER 381

[Effective May 29, 1919]

As amended by Laws of 1921, Chapter 112

[Effective May 25, 1921]

AN ACT

TO PROVIDE FOR THE REGISTRATION OF PROFESSIONAL ENGINEERS, CREATING A BOARD OF ENGINEERING EXAMINERS AND DEFINING THEIR DUTIES, FIXING THE FEES FOR REGISTRATION, CREATING THE ENGINEERS' REGISTRATION FUND AND FIXING THE PENALTIES FOR VIOLATIONS.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

Section 1. Definitions as used in this Act:

(1) The "Board" means the "State Board of Engineering Examiners" provided for by this Act.

(2) A person practices professional engineering within the meaning of this Act who practices any branch of the profession of engineering other than military engineering. The practice of said profession embraces the design and the supervision of the construction of public and private utilities such as railroads, bridges, highways, roads, canals, harbors, river improvements, lighthouse, wetdocks, drydocks, ships, barges, dredges, cranes, floating docks and other floating property, the design and the supervision of the construction of steam engines, turbines, internal combustion engines and other mechanical structures, electrical machinery and apparatus, and of works for the development, transmission or application of power, the design and the supervision of mining operations and of processes and apparatus for carrying out such operations, and the design and the supervision of the construction of municipal works, irrigation works, water supply works, sewerage works, drainage works, industrial works, sanitary works, hydraulic works and structural works and other public or private utilities or works which require for their design or the supervision of their construction such experience and technical knowledge as are required in Section 8 of this Act for admission to examination. The enumeration of any public or private utilities or works in this section shall not be construed as excluding any other public or private utilities, or works which require such experience and technical knowledge for their design or the supervision of their construction. The execution as a contractor of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent for such a contractor shall not be deemed to be the practice of professional engineering within the meaning of this Act.

(3) "Professional Engineer" means any person who practices professional engineering. [§8317, O. L.]

Sec. 2. Qualifications. 1. In order to safeguard life, health and property, any person practicing or offering to practice professional engineering in this state shall be required to be registered as hereinafter provided, and it shall be unlawful for any person to practice or to offer to practice professional engineering in this state unless such person has been duly registered under the provision of this Act, nor shall any person practice professional engineering whose authority to practice is revoked by the board.

2. Nothing in this act shall be construed as requiring registration for the purpose of practicing professional engineering by any individual, firm or corporation, other than public utilities, on property owned or leased by said individual, firm or corporation, or in which said individual, firm or corporation has an interest, estate or possessory right, or which affects exclusively the property or interests of said individual, firm or corporation, unless the public safety or health is involved.

3. Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name, date of registration, number of certificate, and the legend "Registered Professional Engineer." All professional documents, including maps, plans, designs, drawings, plats, specifications, estimates and reports issued by a registrant may be stamped with said seal during the life of registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate has been renewed.

4. After January 1, 1920, every map, plan and drawing required by law to be certified or approved by a professional engineer shall be certified or approved by a professional engineer duly and regularly registered by the board as a professional engineer, as required by this Act, and shall bear the date and the number of the certificate of registration of such professional engineer; and after January 1, 1920, no diploma or certificate conferred on or granted to a person or other than a certificate issued under this Act by the board or its secretary shall be lawful authority for the practice of professional engineering. [§8318, O. L.; L. 1921, Chap. 112, Sec. 1.]

Sec. 3. The State Board of Engineering Examiners. There shall be a state board of engineering examiners consisting of nine members, to be appointed by the governor. Said board to consist of two civil engineers, two mechanical engineers, one electrical engineer, two hydraulic engineers and two mining engineers. Of the members of the board first appointed hereunder three shall hold office until July 1, 1921, three shall hold office until July 1, 1923, and three shall hold office until July 1, 1925; and the term of office of each member so appointed shall begin on July 1, 1919. Upon the expiration of each of such terms one term of office of each member thereafter appointed shall be six years from July first. The governor may remove any member of the board for misconduct, incapacity or neglect of duty. Vacancies in the board caused by death, resignation or removal from office shall be filled by appointment by the governor for the unexpired

term. Each member of the board shall be a professional engineer of at least ten years' active experience and of recognized good standing in his profession, shall be at least thirty-five years of age and shall have been a resident of this state for at least one year immediately preceding his appointment. Each member of said board, except the members first appointed hereunder, shall also be a registered professional engineer. The members of the board shall serve without compensation, except traveling and other necessary expenses. [§8319, O. L.; L. 1921, Chap. 112, Sec. 2.]

Sec. 4. Certificate of Appointment—Oaths—Powers. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state the constitutional oath of office. Each member of the board first appointed hereunder shall receive a certificate of registration under this Act from said board. The board or any committee thereof shall be entitled to the counsel, advice and services of the attorney general, shall have power to compel the attendance of witnesses, and may take testimony and proofs concerning all matters within its jurisdiction. The board shall have an official seal to be furnished and provided by the secretary of state. The board may make all by-laws and rules not inconsistent with law needed in performing its duties; but no by-law or rule by which more than a majority vote is required for any special action by the board shall be amended, suspended or repealed by a smaller vote than that required for action thereunder. [§8320, O. L.]

Sec. 5. Officers—Meetings—Quorum. The board shall biennially elect from its members a president and a vice president for the ensuing biennial term. The board shall appoint a secretary, who shall not be a member of the board, but who shall possess the qualifications required by this act for members thereof. The secretary shall hold office during the pleasure of the board and shall receive an annual compensation of twelve hundred dollars (\$1,200). He shall give a bond in such amount and with such sureties as may be approved by the board conditioned for the faithful performance of his duties and for the accounting for, and payment over of, all moneys received by him. The secretary shall keep on file in the office of the board a record of all certificates of registration issued, and he shall receive and account for all fees derived from the operation of this act. He shall also perform such other duties as may from time to time be assigned to him by the board.

The board shall hold at least six stated meetings in each year. Special meetings may be called in such manner as the by-laws of the board may provide. Notice of all meetings shall be given in such a manner as the by-laws of the board may provide. At any meeting of the board held solely for the examination of candidates for registration three members shall constitute a quorum; but if three or more members shall not attend at the time and place fixed for such meeting, the member or members present may adjourn the meeting from time to time until a quorum be present. At all other meetings a majority of the board shall constitute a quorum. [§8321, O. L.]

Sec. 6. Additional Employees and Officers. The board shall have power to employ, during its pleasure, such clerks and other employees and to rent

such offices as may be necessary to the proper performance by it of its duties as in this act prescribed. [§8322, O. L.]

Sec. 7. Payment of Salaries and Expenses—Report. The fees derived from the operation of this act shall be paid into a special fund in the state treasury, to be known as the engineers' registration fund, which is hereby created. Warrants for the payment of salaries and expenses incurred shall be issued by the secretary of state and paid by the state treasurer out of the engineers' registration fund upon presentation of vouchers regularly drawn and approved by the president and the secretary of the board. On or before the first day of February in each year, beginning in the year 1921, the board shall submit to the legislature a written report of its proceedings for the preceding year and shall file with the secretary of state a copy of said report together with a complete statement of the receipts and expenditures of the board for the preceding year, verified by the oath of the secretary, and a complete list of all persons registered to practice professional engineering under this act, with their addresses and the dates of their certificates of registration. [§8323, O. L.]

Sec. 8. Admissions to Examinations. The board shall admit to examination any candidate who pays a fee of ten dollars (\$10) and submits evidence verified by oath and satisfactory to the board that he

(1) Is more than twenty-one years of age;

(2) Is of good moral character; and

(3) Has been engaged upon engineering work for at least six (6) years and during that period has had charge of engineering work as principal or assistant, for at least one year;

(4) Or, in lieu of the third requirement specified above, is a graduate from an engineering school of recognized good reputation and has been engaged upon engineering work for at least two years and during that period has had charge of engineering work, as principal or assistant, for at least one year. [§8324, O. L.]

Sec. 9. Examinations. Examinations for registration shall be held at stated or special meetings of the board at such times and at such places within this state in each year as the board shall determine. The scope of the examination and the methods of procedure shall be prescribed by the board. The examination may be either oral or written or partly oral and partly written. As soon as practicable after the close of each examination the members of the board who shall have conducted such examination shall make and sign and file in the office of the board a certificate stating the action of the board upon the application of each candidate, whereupon the secretary of the board shall notify each candidate of the results of his examination. [§8325, O. L.]

Sec. 10. Certificates of Registration. 1. Upon receipt of an additional fee of five dollars (\$5) the board shall issue to any applicant who has been certified as having passed the examination conducted by the board a certificate of registration signed by the president and the secretary of the board under the seal of the board, whereupon such applicant shall be authorized to practice professional engineering as defined by this act.

2. The board shall from time to time examine the requirements for

the registration of professional engineers in other states, territories and countries and shall record those in which, in the judgment of the board, standards not lower than those provided by this act are maintained. The secretary of the board, upon the presentation to him by any person of satisfactory evidence that such person holds a certificate of registration issued to such person by proper authority in any such state, territory or country so recorded, and upon receipt by him of a fee of fifteen dollars (\$15), shall issue to such person a certificate of registration under this act signed by the secretary under the seal of the board, whereupon the person to whom such certificate is issued shall be entitled to all the rights and privileges conferred by a certificate issued after examination by the board.

3. A new certificate of registration to replace any certificate lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board. A charge of \$1 shall be made for such reissue.

4. All certificates of registration shall expire on the last day of December following the date of their issue or renewal and shall become invalid on that date unless renewed. Renewal may be effected at any time prior to December thirty-first by the payment of a fee of three dollars (\$3) to the secretary of the board. The failure on the part of any registrant to renew his certificate annually prior to December thirty-first of each year as required above shall not deprive such person of the right of renewal thereafter, but the fee to be paid for such renewal of certificate after December thirty-first shall be increased 10 per cent for each month or a fraction of a month that the payment for renewal is delayed; provided, however, that the normal fee of three dollars (\$3) per annum shall be paid for each year or fraction thereof, after the renewal has been delayed over one year; and provided further, that in no case shall the accrued fees for the renewal exceed the sum of twenty dollars (\$20). [§8326, O. L.; Laws 1921, Chap. 112, Sec. 3.]

Sec. 11. **Registration Without Examination.** The board shall at any time on or before January 1, 1920, issue a certificate of registration signed by the president and the secretary of the board under the seal of the board, upon due application therefor and the payment of a fee of fifteen dollars (\$15), to any candidate who shall submit evidence, verified by oath and satisfactory to the board, that he is a good character and has practiced professional engineering for at least six years preceding the date of his application and during that period has had charge of engineering work as principal or assistant for at least two years. After January 1, 1920, the board shall issue certificates of registration only as hereinbefore provided. [§8327, O. L.]

Sec. 12. **Registry—Revocation and Reissue of Certificates of Registration.** All certificates of registration issued by the board or its secretary shall be in such form as the by-laws of the board may prescribe. Before any certificate of registration is issued by the board or its secretary, it shall be numbered and recorded in a book kept for that purpose in the office of the board and the number of the certificate shall be noted on the certificate. Such record shall be open to public inspection and in all actions

or proceedings in any court such record or a transcript of any part thereof certified by the secretary of the board under seal of the board to be a true copy shall be entitled to admission in evidence.

The board shall have power at any time to inquire into the identity of any person claiming to be a registered professional engineer and, after due service of a notice in writing, require him to prove to the satisfaction of the board that he is the person authorized to practice professional engineering under the certificate of registration by virtue of which he claims the privilege of this act. When the board finds that a person claiming to be a professional engineer registered under this act is not in fact the person to whom the certificate of registration was issued, it shall reduce its findings to writing and file them in its office. Such findings shall be *prima facie* evidence that the person mentioned therein is falsely impersonating a professional engineer of a like or different name.

The board may receive complaints or information relative to violation of this Act, and such complaints and information shall be treated as confidential by the board if the persons filing such complaint or information so request; provided, however, that all complaints or information thus filed and treated as confidential shall be carefully investigated by the board.

The board may revoke a certificate of registration of a professional engineer for fraud or deceit in his practice or in the securing of his certificate or for the conviction of crime. Proceedings for the revocation of a certificate of registration shall be begun by filing with the board a written charge or charges against the accused. These charges may be preferred by any person or corporation or the board may on its own motion direct its secretary to prefer such charges. When charges are preferred against a professional engineer registered under the provisions of this act, the board shall designate not less than three of its number as a committee to hear and determine said charges. A time and place for the hearing shall be fixed by said committee and a copy of the charges together with a notice of the time and place for the hearing shall be served upon the accused or his counsel at least ten days before the date fixed for said hearing. Where personal service or service upon counsel can not be effected and such fact is certified on oath by any person duly authorized to make legal service, the board shall cause to be published for at least seven times, the first publication to be at least thirty days prior to the hearing, in two newspapers published in the section of the state in which the accused was last known to practice, a notice to the effect that at a definite time and place a hearing will be had on the charges against the accused upon an application to revoke his certificate. At said hearing the accused shall have the right to cross examine witnesses against him and to produce witnesses in his defense and to appear personally or by counsel. The said committee shall make a written report of its findings and recommendations and shall forthwith submit the same to the board. If the board shall find that said professional engineer has been guilty of any fraud or deceit in his practice or has been guilty of any fraud or deceit by which he was admitted to practice or has been convicted of crime, it shall revoke his certificate of registration. A two-thirds vote of all the members of the board shall

be necessary for this action. The action of the board shall be recorded in the same manner as certificates of registration are recorded and the name of the person whose certificate of registration is so revoked shall be stricken from the list of registered professional engineers and he shall be disqualified from practicing as a professional engineer.

The board may reissue a certificate of registration to any person whose certificate has been revoked, but only after the expiration of one year from the date of such revocation, for reasons which the board shall by a two-thirds vote of all its members determine to be satisfactory. [§8328, O. L.; L. 1921, Chap. 112, Sec. 4.]

Sec. 13. Action of the Board. The members of the board or of any committee thereof and the secretary of the board in granting, withholding, revoking or reissuing a certificate of registration shall be deemed to be acting as officers of the state and it shall be the duty of the attorney general to represent and appear for them or any of them in any action or proceeding brought against them or any of them because of any such act. [§8329, O. L.]

Sec. 14. Certificate Presumptive Evidence. Every unrevoked certificate and indorsement of registry made as provided in this act shall be presumptive evidence in all courts and places that the person named therein is legally registered. [§8330, O. L.]

Sec. 15. Penalties. Any person who, not being legally authorized to practice professional engineering within this state according to the provisions of this act, and so registered according to law, shall practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional engineering, or shall use in connection with his name or otherwise assume, use or advertise any title or designation tending to convey the impression that he is a professional engineer, and any person who shall buy, sell or fraudulently obtain any certificate of registration or who shall aid or abet such buying, selling or fraudulently obtaining or who shall practice, or attempt or advertise to practice or hold himself out as authorized to practice professional engineering under cover of any certificate obtained or issued fraudulently or unlawfully or under fraudulent representations or mistake of fact in a material regard, and any person who shall practice, or attempt or advertise to practice, or hold himself out as authorized to practice professional engineering under a false or assumed name or who shall falsely impersonate any professional engineer or former professional engineer of a like or different name, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than \$25 nor more than \$500, or imprisonment in the county jail not to exceed six months. [§8331, O. L.]

Sec. 16. Application of Act. 1. This act shall not apply to any professional engineer working for the United States government; or to any registered architect practicing architecture; nor to any professional engineer employed as an assistant to a professional engineer registered under this act.

2. The service of professional engineers in the United States military service shall be considered as the practice of professional engineering in determining the experience of applicants, and such army engineers may be

registered without examination as provided for in section eleven (11) [8327] hereof, within a period of one year from the date of their discharge.

3. A corporation, firm or partnership may engage in the practice of professional engineering in this state, provided the person or persons connected with such corporation or partnership in charge of the designing or supervision which constitutes such practice is or are registered as herein required of professional engineers; provided, however, that all professional documents named in paragraph 3, section 2 [8318] of this act, issued by such corporation, firm or partnership, shall bear the seal of the registered professional engineer or engineers of said corporation, firm or partnership. The same exemptions shall apply to corporations, firms and partnerships as apply to individuals under this act.

4. It shall not be deemed unlawful nor in violation of this act for any professional engineer not a resident of and having no established place of business in this state to offer to practice in this state as a professional engineer; provided, however, that he possesses the legal qualifications to practice professional engineering in his own state and further possesses the qualifications required in this act.

5. Any professional engineer not a resident of or having no established place of business in this state, or residing in this state, but of recent arrival, and possessing the qualifications as required by this act, may practice professional engineering for a reasonable time, to be fixed by the board, but not to exceed four (4) months; provided, however, that such person shall have filed an application for registration as a professional engineer and shall have paid the fee provided for in section eight (8) [8324] of this act.

6. Any professional engineer registered in any other state or foreign country shall be permitted to practice in this state not to exceed thirty (30) days per annum; provided, however, such professional engineer shall have first given notice in writing to the board of engineering examiners of his intention to practice in Oregon. [§8332, O. L.; L. 1921, Chap. 112, Sec. 5.]

Sec. 17. **Time of Taking Effect.** This act shall take effect on the first day of July, nineteen hundred and nineteen (1919).

STATE OF PENNSYLVANIA

PENNSYLVANIA STATE BOARD FOR REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

STATE CAPITOL, HARRISBURG, PA.

Chairman—RICHARD L. HUMPHREYS, 805 Harrison Building, Philadelphia, Pa.

HENRY S. DRINKER, Lehigh University, So. Bethlehem, Pa.

WM. McCLELLAN, Real Estate Trust Building, Philadelphia, Pa.

A. B. CLEMENS, Scranton, Pa.

SAMUEL D. FOSTER, 1704 Arrott Building, Pittsburgh, Pa.

THE PENNSYLVANIA LAW

Approved May 25, 1921

No. 422

AN ACT

TO REGULATE THE PRACTICE OF THE PROFESSION OF ENGINEERING AND OF LAND SURVEYING; CREATING A STATE BOARD FOR THE REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS; DEFINING ITS POWERS AND DUTIES; IMPOSING CERTAIN DUTIES UPON THE COMMONWEALTH AND POLITICAL SUBDIVISIONS THEREOF IN CONNECTION WITH PUBLIC WORK; AND PROVIDING PENALTIES.

Section 1. Be it enacted, &c., That in order to safeguard life, health, and property, any person practicing or offering to practice the profession of engineering or of land surveying shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be registered as hereinafter provided; and it shall be unlawful, after the first day of June, one thousand nine hundred twenty-two, for any person to practice or to offer to practice the profession of engineering or of land surveying in this Commonwealth, unless such person has been duly registered as a "professional engineer," or as a "land surveyor," or exempted under the provisions of this act.

Professional
engineers and land
surveyors.

Registration.

Nothing in this Act shall be construed as requiring a certificate of registration as a "professional engineer" or as a "land surveyor" for practicing the profession of engineering or of land surveying by any person or firm or copartnership or corporations upon property owned or leased by such person, firm, copartnership, or corporation, unless the same involves the public safety or health.

Sec. 2. Definitions. The term "professional engineer," as used in this act, means a person who, through technical knowledge gained by education or experience in one or more branches of engineering, initiates, investigates, plans, and directs the control of the forces of, and the utilization of the materials of, nature and of human activities in connection therewith, for the benefit of man, and who represents himself or herself to be such a professional engineer, either through the use of the term "professional engineer," with or without qualifying adjectives, or through the use of some other title implying that he or she is such a professional engineer. The term "land surveyor," as used in this act, means a person who makes surveys for the determination of area or for the establishment or re-establishment of land boundaries and the subdivision and platting of land. The term "board," used in this act, shall mean the State Board of Registration of Professional Engineers and of Land Surveyors.

Sec. 3. State Board of Registration of Professional Engineers and Land Surveyors—Appointment of Members—Terms. A State Board for Registration of Professional Engineers and of Land Surveyors is hereby created. Said board shall consist of five registered professional engineers, who shall be appointed by the Governor. These professional engineers, who shall be full corporate members in good standing in at least one of the following societies, American Society of Civil Engineers, American Institute of Mining and Metallurgical Engineers, The American Society of Mechanical Engineers, and American Institute of Electrical Engineers, shall be so selected that not more than two professional engineers of said board shall be members of the same society. The members of the first board shall be appointed, within ninety days after the passage of this act, to serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. On the expiration of the term of any member, the Governor shall appoint a properly qualified person for a term of five years to take the place of the member whose term on said board is about to expire. Each member shall hold office until the expiration of his term or until his successor is duly appointed and qualified.

Sec. 4. Removal of Members of Board—Vacancies. The Governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled by an appointment by the Governor for the unexpired term.

Sec. 5. Qualifications of Members of Board. Each member of the board shall be a citizen of the United States and a resident of this Commonwealth. He shall have been engaged in the practice of the profession of engineering for at least ten years, and shall have been in responsible charge of engineering work for at least five years.

Sec. 6. Compensation and Expense of Members of Board. Each member of the board shall receive the sum of fifteen (\$15) dollars for each day he attends the sessions of the board or any of its committees and for the time

spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this act.

Sec. 7. Registration of First Board—Certificate of Appointment—Oaths of Members—Legal Advisor. Each member of the first board shall receive, at the time of his appointment, a certificate of registration as a "professional engineer" from the Governor of this Commonwealth. Each member of the board when appointed shall receive a certificate of appointment from the Governor, and, before entering upon his duties, shall take and subscribe to the oath required, which shall be filed with the Secretary of this Commonwealth. The Attorney General of this Commonwealth shall be the legal advisor to the board.

Sec. 8. Power to Subpoena Witness—Oaths. In carrying into effect the provisions of this act, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance, and may also require the production of books, papers, documents, et cetera. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to the court of common pleas of the county in which it may be in session, setting forth the facts, and thereupon such court of common pleas shall issue its subpoena to such person, requiring his or her attendance before such court and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the board. Any person who shall refuse to obey any subpoena of the court of common pleas shall be held for contempt.

Sec. 9. Seal of Board—By-Laws and Rules. The board shall adopt and have an official seal, which shall be affixed to all official documents and papers. The board shall have power to make all by-laws and rules, not inconsistent with the Constitution and laws of this Commonwealth, which it deems necessary to carry into effect the provisions of this act.

Sec. 10. Office of Board—Supplies—Printing. The Board of Commissioners of Public Grounds and Buildings shall furnish the board with suitable quarters in the city of Harrisburg, and shall also furnish to said board, upon requisition, all furniture, books, papers, supplies, et cetera, which may be necessary for the transaction of its business. All printing required by the board shall be furnished by the State Printer, upon requisitions of the chairman of the board upon the Superintendent of Public Printing and Binding.

Sec. 11. Organization of Board—Meetings—Officers—Quorum. The board first appointed shall hold a meeting within thirty days after its appointment, and shall organize by the election of one of its members as chairman and one as vice-chairman. Thereafter the board shall hold at least two meetings each year and such special meetings as may be provided for in its by-laws or as a majority of the members desire. The board shall annually elect from its members the officers above enumerated. The board shall appoint a secretary, who shall hold office during its pleasure. A quorum of the board shall consist of three members.

Sec. 12. Engineers' Fund in State Treasury Established—Appropriation—Payments Therefrom—Bond of Secretary—Clerks and Assistants. The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the State Treasurer, who shall keep such moneys in a separate fund, to be known as the "Engineers' Fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only by warrant of the Auditor General upon the State Treasurer, upon itemized vouchers approved by the chairman and attested by the secretary of the board. All moneys in the "Engineers' Fund" from time to time are hereby specifically appropriated for the use of the board. The secretary of the board shall give a surety bond to this Commonwealth in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "Engineers' Fund." The secretary of the board shall receive such salary as the board shall determine. The board may employ such clerical or other assistants as are necessary for the proper performance of its work.

Sec. 13. Register of Application for Registration—Contents. The board shall keep a record of its proceedings, and a register of all applications for registration, which register shall show: (a) The name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the day of the action of the board; and (i) such other information as may be deemed necessary by the board.

Sec. 14. Records of Board to be Evidence. All books and records of the board shall be prima facie evidence of all matters recorded therein, and a certified copy thereof, under the hand of the chairman and the seal of the board and attested by the secretary, shall be received in evidence in all courts and elsewhere.

Sec. 15. Roster of Registered Professional Engineers and of Land Surveyors. A roster showing the names, places of business, and the residences of all registered professional engineers and of all land surveyors shall be prepared by the secretary of the board during the month of June of each year. Copies of this roster shall be obtainable by each person so registered, upon application to the secretary of the board. A copy of this roster shall be placed on file by the clerk of each county, city, borough, town, township, school district, and poor district in this Commonwealth.

Sec. 16. Annual Report. Annually the board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and of its secretary.

Sec. 17. Certificates of Registration—Qualifications of Applicant. The board, upon application on the form prescribed by it, and upon the payment of a fee of twenty dollars, except where the applicant applies for a certificate

to practice both as a professional engineer and as a land surveyor, when the fee shall be thirty dollars, and except as hereinafter provided, shall issue a certificate of registration to act as a professional engineer or as a land surveyor, or as both, to the following person, to wit:

(a) Any person who submits evidence, satisfactory to the board, that he or she is fully qualified to practice the profession of engineering or land surveying.

(b) Any person who holds an unexpired certificate of registration issued to him or her by any proper authority in the District of Columbia, or in any State or Territory of the United States, or in any province of the Dominion of Canada, in which the requirements for the registration of professional engineers or of land surveyors are not lower than those provided in this act. No person, except as provided in section eighteen, shall be eligible for registration as a professional engineer or as a land surveyor who is not a citizen of the United States or of the Dominion of Canada, or at least twenty-five years of age, or who does not speak, read or write the English language, or is not of good character or repute, or has not been actively engaged for six years or more in the practice of the profession of engineering or land surveying of a character satisfactory to the board: Provided, however, That each year of teaching or of the study of engineering in a school or college satisfactory to the board shall be considered as equivalent to one half year of active practice, but the total number of years of study and teaching which may be credited to such six years of active practice shall not exceed four years.

Sec. 18. Citizens of Foreign Countries. A citizen of a foreign country who seeks to practice the profession of engineering within this Commonwealth and who has practiced engineering for a period of more than ten years, upon presentation of satisfactory evidence that he is so qualified to practice, may, at the discretion of the board, be granted a certificate as a professional engineer.

Sec. 19. Persons Prima Facie Entitled to Registration. Unless disqualifying evidence be given before the board, the following facts, established in the application, shall be regarded as prima facie evidence, satisfactory to the board, that the applicant is fully qualified to practice, to wit:

(1) As a professional engineer—

(a) Ten or more years of active practice of the profession of engineering.

(b) Graduation from a school or college approved by the board as of satisfactory standing and having a course in engineering of not less than four years, and an additional four years of active engagement in engineering work; or

(2) As a land surveyor—

(a) Not less than six years of active practice in land surveying work of a character satisfactory to the board.

Sec. 20. Furnishing of Additional Evidence by Applicants for Registration—Examinations. Applicants for registration, in cases where the evidence presented in the applications does not appear to the board conclusive or warranting the issuing of a certificate of registration, may present, for the consideration of the board, further evidence, which may also include the results of a required examination.

Sec. 21. Majority of Board to Pass Upon Applications—Return of Registration Fee. A satisfactory character shall be an essential and a majority vote of the members of the board shall be required to pass upon the qualifications of an applicant for registration as a professional engineer or as a land surveyor. Should the board deny the issuance of a certificate of registration to any applicant the registration fee deposited shall be returned to the applicant. The board, after examination or receiving other evidence of qualification as provided in this act, shall issue a certificate therefor, stating that the said applicant is qualified to practice as a professional engineer or as a land surveyor or both. The said board shall impress upon each certificate of registration issued under this act the seal of the Commonwealth of Pennsylvania.

Sec. 22. Practice of Firms, Copartnerships, and Corporations. A firm or a copartnership or a corporation may only engage in the practice of the profession of engineering or land surveying in this Commonwealth in the name of the person or persons, connected with such firm or copartnership or corporation, who is or are in responsible charge of the design or of the execution of the work which constitutes such practice, each of whom is registered as a professional engineer or as a land surveyor.

Sec. 23. Renewal of Certificates. Certificates of registration shall expire on the last day of December following their issuance or renewal, and shall become invalid on that date, unless renewed. It shall be the duty of the secretary of the board, on or before the last day of November, to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount of fee required for its renewal for one year. Renewal may be effected at any time during the month of December by the payment of a fee of one dollar to the secretary of the board. The failure on the part of any registrant to renew his or her certificate annually in the month of December, as required above, shall not deprive such person of the right to renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per centum for each month, or fraction of a month, that the payment or renewal is delayed: Provided, however, That the maximum fee for a delayed renewal shall not exceed the sum of two dollars.

Sec. 24. Persons Exempted from Registration. The following persons shall be exempted from registration under the provisions of this act, to wit:

(a) A person not a resident of and having no established place of business in this Commonwealth, offering to practice therein as a professional engineer or as a land surveyor.

(b) A person not a resident of and having no established place of business in this Commonwealth, practicing as a professional engineer or as a land surveyor therein, when such practice does not exceed in the aggregate more than thirty days in any calendar year: Provided, Such person is legally qualified as a professional engineer or as a land surveyor in his or her own State or country.

(c) A person not a resident of and having no established place of business in this Commonwealth or who has recently become a resident thereof, prac-

ting therein for more than thirty days as a professional engineer or as a land surveyor: Provided, however, That he shall have filed with the board an application for registration as a professional engineer or as a land surveyor, and shall have paid the fee required by this act. Such exemption shall continue only for such time as the board requires for the consideration of the application for registration: And further provided, Such person is legally qualified as a professional engineer or as a land surveyor in his or her own State or country.

(d) An employe of a registered engineer or of a registered land surveyor who is engaged in the practice of the profession of engineering or in land surveying, and an employe of a professional engineer or a land surveyor exempted from registration by classes (b) and (c) of this section: Provided, Such practice does not include responsible charge of design or supervision.

(e) Officers and employees of the Government of the United States engaged in the practice of the profession of engineering or in land surveying.

(f) Officers and employees of this Commonwealth, or of any political subdivision thereof, at the time this act becomes effective and thereafter until the expiration of the existing term of office or service of such officer or employee, engaged in the practice of the profession of engineering or in land surveying.

(g) Officers and employees of a corporation engaged in interstate commerce, as defined in the act of Congress, entitled "An act to regulate commerce," approved February fourth, one thousand eight hundred and eighty-seven, as amended.

The exemptions provided for in this section shall apply to firms, copartnerships, and corporations lawfully practicing the profession of engineering or practicing land surveying, as well as to individuals.

Sec. 25. Revocation of Registration—Procedure. The board shall have the power to revoke the certificate of registration of any professional engineer or of any land surveyor who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration; or

(b) Any gross negligence, incompetency, or misconduct in the practice as a professional engineer or a land surveyor.

Any person may prefer charges of fraud, deceit, negligence, incompetency, or misconduct against any registered professional engineer or any registered land surveyor. Such charges shall be in writing, and shall be sworn to by the person making the same, and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard and disposed of by the board in three months after the date on which they were preferred.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registered professional engineer or such registered land surveyor, at least thirty days before the date fixed for the hearing.

At any hearing, the accused registered professional engineer or the accused registered land surveyor shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him or her, and to produce evidence and witnesses in his or her defense.

If after such hearing, three or more members of the board vote in favor of finding the accused guilty of (a) the practice of fraud or deceit in obtaining a certificate of registration, or (b) any gross negligence, incompetency, or misconduct in the practice as a professional engineer or as a land surveyor—the board shall revoke the certificate of registration of such registered professional engineer or such registered land surveyor.

The board, for reasons it may deem sufficient, may reissue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules and regulations of the board. A charge of ten dollars shall be made for such issuance.

Sec. 26. Appeals to Court when Registration Revoked. Any person who shall feel aggrieved by any action of the board in revoking a certificate of registration may appeal therefrom to the court of common pleas of Dauphin County, and, after full hearing, said court shall make such decree sustaining the action of the board or reinstating the certificate of registration of such professional engineer or land surveyor, as to it may seem just and proper. The action of the court of common pleas shall be final.

Sec. 27. Seal of Registered Professional Engineers and Land Surveyors. The issuance of a certificate of registration by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer or registered land surveyor while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Professional Engineer" or "Registered Land Surveyor."

Plans, specifications, plates, and reports, issued by a registrant, may be stamped with the seal during the life of the registrant's certificate, but it shall be unlawful for any person to stamp or seal any documents if the certificate of the registrant named therein has expired or has been revoked, unless such certificate has been renewed or reissued.

Sec. 28. Registered Professional Engineers May Practice as Land Surveyors. Nothing in this act shall be construed as prohibiting a registered professional engineer from making land surveys essential to engineering project. Nothing in this act shall be construed as permitting a person registered only as a land surveyor to practice engineering. Nothing in this act shall be construed to exclude from the practice of professional engineering any person who is qualified under the law to use the title "Registered Architect," provided that when engaged in such practice he uses the title "Registered Architect," or to exclude from the practice of architecture any person qualified under the law to use the title of "Registered Professional Engineer," provided that when engaged in such practice he uses the title "Registered Professional Engineer."

Sec. 29. Commonwealth and Political Subdivisions to Employ Registered Professional Engineers on Public Work. After the first day of June, one thousand nine hundred and twenty-two, it shall be unlawful for this Commonwealth or for any county, city, borough, town, township, school district or poor district to engage in the construction of any public work involving engineering, unless the plans and specifications and estimates have been approved by, and the construction supervised by, a registered professional engineer: Provided, That nothing in this section shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed two thousand (\$2,000) dollars.

Sec. 30. Penalties. Any person who shall, after the first day of June, one thousand nine hundred and twenty-two, practice the profession of engineering or land surveying in this Commonwealth without being registered or exempted in accordance with the provisions of this act, or any person presenting or attempting to use as his or her own the certificate of registration of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall use or attempt to use an expired or revoked certificate of registration, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars, or suffer imprisonment for a period not exceeding three months, or both.

Sec. 31. Repeal. All acts and parts of acts of Assembly inconsistent with this act are hereby repealed.

APPROVED—The 25th day of May, A. D. 1921.

WM. C. SPROUL.

STATE OF TENNESSEE

TENNESSEE STATE BOARD OF ARCHITECTURE AND ENGINEERING EXAMINERS

Secretary—HENRY C. HIBBS, 4th & 1st Bank Building, Nashville, Tenn.

A. L. DABNEY, Memphis, Tenn.

PROF. C. S. BROWN, Vanderbilt University, Nashville, Tenn.

PROF. N. W. DOUGHERTY, University of Tennessee, Knoxville, Tenn.

B. S. CAIRNS, Memphis, Tenn.

W. G. SEARS, Chattanooga, Tenn.

THE TENNESSEE LAW

Approved April 9, 1921

(Text of Bill as Passed)

CHAPTER NO. 167

Public Acts of Tennessee, Nineteen Twenty-one

Senate Bill No. 390

(By Mr. McGugin)

A BILL

TO BE ENTITLED "AN ACT PROVIDING FOR THE CREATION AND ESTABLISHMENT FOR THE STATE OF TENNESSEE OF A STATE BOARD OF ARCHITECTURE AND ENGINEERING EXAMINERS; THE APPOINTMENT AND QUALIFICATION OF THE MEMBERS AND THE ORGANIZATION AND JURISDICTION THEREOF; FOR THE PURPOSE OF SAFEGUARDING LIFE, HEALTH AND PROPERTY, OF PROMOTING WELFARE THROUGH EDUCATIONAL DEVELOPMENT OF APPLIED ART TO STRUCTURAL WORK; PRESCRIPTION OF THE DUTIES OF AND THE GRANT OF POWERS TO SAID BOARD TO REGULATE THE PRACTICE OF ARCHITECTURE AND ENGINEERING IN THE STATE OF TENNESSEE; TO FIX THE STANDARDS FOR QUALIFICATION FOR THE PRACTICE THEREOF; TO REGULATE THE PRACTICE THEREOF WITHIN THE STATE OF TENNESSEE; TO AUTHORIZE THE COLLECTION AND EXPENDITURE OF FEES FOR THE PURPOSES OF THIS ACT, AND TO MAKE ALL SUCH LEGAL RULES AND REGULATIONS NECESSARY AND PROPER TO CARRY OUT THE PURPOSES OF THIS ACT; AND PROVIDING PENALTIES FOR A VIOLATION OF THIS ACT."

Section 1. **Be It Enacted by the General Assembly of the State of Tennessee,** That in order to safeguard life, health and property, and to promote public welfare through educational development of applied Art to struc-

tural work, any person practicing architecture or engineering in this State shall be required to submit evidence that he or she is qualified to practice and shall be registered as hereinafter provided, and from one year after the date of the passage of this Act, it shall be unlawful for any person to practice or offer to practice architecture or engineering in this State unless such person has been duly registered under the provisions of this Act, except as hereinafter provided.

Sec. 2. Be It Further Enacted, That nothing in this Act shall be construed as required registering for the purpose of practicing architecture or engineering by an individual, firm or corporation, unless the same involves the public safety or health, provided he does not use the appellation "Architect" or "Engineer."

Sec. 3. Be It Further Enacted, That to carry out the provisions of this Act, there is hereby created a State Board of Examiners for Architects and Engineers, hereinafter called the "Board." This Board of Examiners shall consist of six members, three to be engineers and three to be architects, to be appointed by the Governor of this State at the same time and under the conditions described as follows:

Shortly after the passage of this Act, the Governor shall appoint on the said Board one architect and one engineer from one of the three grand divisions of the State, designating one of these appointees to serve for a period of two years and one to serve for a period of six years; likewise he shall appoint two persons, one an engineer and one an architect, from another of the three grand divisions of the State, designating one of those persons to serve for a period of two years and designating one to serve for a period of four years. He shall likewise appoint from the third of the three grand divisions of the State, two persons, one an engineer and the other an architect, one to serve for a period of four years and one to serve for a period of six years, all of the said appointments shall be made on or before May 15, in the year of the passage of this Act. Shortly before the expiration of the term of each member, his successor shall be appointed as set forth hereinbefore for the first Board, and the successor to any member shall be an architect or an engineer according as his predecessor was an architect or an engineer, and he shall be from the same grand division as predecessor. The term of office of all members shall begin on July 1st, following their appointment, except those appointed to fill vacancies, but each member shall hold office until his successor is appointed and qualified. Each appointment after the first shall be for a period of six years.

Sec. 4. Be It Further Enacted, That the six members of the Board shall each have had at least ten years experience in the practice of architecture or ten years in the practice of engineering, and shall have been in responsible charge of work for at least five years. Each member of the Board shall be a citizen of the United States and shall have been a resident of Tennessee for five years at the time of his appointment and shall be at least thirty-five years of age. The Governor may remove any member of the Board for misconduct, incapacity or neglect of duty. Vacancies in the Board caused by death, resignation or removal from shall be filled by the Board for the unexpired term, and such appointee shall fulfill the requirements of the above provision.

Sec. 5. Be It Further Enacted, That each member of the Board shall receive a certificate of appointment from the Governor, and before beginning his term of office he shall file with the Secretary of State the constitutional oath of office. Each member of the Board first created shall receive a certificate of registration under this Act from the Governor of the State. The Board or any Committee thereof shall be entitled to the services of an Attorney-General, in connection with the affairs of the Board, and the Board shall have power to compel the attendance of witnesses, may administer oaths and may take testimony concerning all matters within its jurisdiction. The Board shall adopt and have an official seal which shall be affixed to all certificates of registration granted; and shall make all by-laws and rules not inconsistent with law in performing its duty.

Sec. 6. Be It Further Enacted, That the Board shall hold a meeting within sixty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws of the Board may provide. The Board shall elect annually from its members a Chairman and a Secretary. A quorum of the Board shall consist of not less than four members, of whom two shall be Architects and two shall be Engineers.

Sec. 7. Be It Further Enacted, That the Secretary of the Board shall receive and account for all moneys derived from the operation of this Act and shall pay them to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Fund of the Board of Examiners for Architects and Engineers," which fund shall be continued from year to year and shall be drawn against only for the purpose of this Act as herein provided.

Each member of the Board shall receive no compensation, but shall be reimbursed for all necessary traveling, incidental and clerical expenses incurred in carrying out the provisions of this Act. All expenses certified by the Board as properly and necessarily incurred in the discharge of its duties, including authorized compensation, shall be paid out of said fund on the warrant of the Auditor of the State issued on requisitions signed by the Chairman and Secretary of the Board; provided, however, that at no time after this Act shall have been in effect one year shall the total of warrants issued exceed the total amount of funds accumulated under this Act. The Secretary of the Board shall give a surety bond satisfactory to the State Treasurer conditioned upon the faithful performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the Board.

Sec. 8. Be It Further Enacted, That the Board shall keep a record of its proceedings and register of all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a certificate of registration granted, and the date of such action. The books and register of the Board shall be prima facie evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered architects and engineers shall be prepared by the Secretary of the Board during the

month of January each year; such roster shall be printed out of the funds of the Board as provided in Section 7. On or before the 31st day of January of each year the Board shall submit to the Governor a report of its transactions for the preceding year, together with a complete statement of the receipts and expenditures of the Board, certified by the Chairman and the Secretary, and a copy of the said roster of registered architects and registered engineers. A copy of this report shall be filed with the Secretary of State.

Sec. 9. Be It Further Enacted, That the Board shall, upon application therefor, on prescribed form, and the payment of a fee of Twenty-five Dollars (\$25.00) issue a certificate of registration as an architect or as an engineer.

(a) To any person who submits evidence satisfactory to the Board that he is fully qualified to practice architecture or engineering, or

(b) To any person who holds a like unexpired certificate of registration issued to him by proper authority in the District of Columbia or in any State or territory in the United States, or in any province of Canada, in which the requirements for the registration of architects or engineers are of a standard satisfactory to the Board.

(c) To any person at any time within one year after this Act becomes effective, who shall submit under oath evidence satisfactory to the Board that he is of good character, has been a resident of the State of Tennessee for at least one year immediately preceding the date of application, and has practiced architecture or engineering for at least two years preceding the date of his application, and during that period has had responsible charge of architectural or engineering work. A certificate shall be granted to any resident of Tennessee at the time of the passage of this Act who has practiced as a principal in the State of Tennessee previous to the passage of this Act. After this Act shall have been in effect one year, the Board shall issue a certificate of registration as provided in Section 9 only. Provided, however, that no person shall be eligible for registration, except as provided in the paragraph next above, who is not a citizen of the United States or Canada, or who has not made a declaration of his intention to become a citizen of the United States who does not speak and write the English language, who is not of good character and repute, and who has not been actively engaged for four or more years in architectural or engineering work of a character satisfactory to the Board. However, each year of teaching or of study satisfactorily completed of architecture or engineering in a school of architecture or engineering of standing satisfactory to the Board shall be equivalent to one year of such active engagement.

Unless disqualifying evidence be before the Board, the following facts established in the application shall be regarded as prima facie evidence satisfactory to the Board, that the applicant is fully qualified to practice architecture, or engineering.

(d) Ten or more years in active engagement in architecture or engineering.

(e) Graduation, after a course of not less than four years in architecture or engineering, from a school or college approved by the Board as of satisfactory standing, and an additional four years of active engagement in architectural or engineering work.

(f) Corporate membership in the American Institute of Architects, American Institute of Chemical Engineers, American Society of Civil Engineers, American Institute of Electrical Engineers, American Society of Mechanical Engineers, American Institute of Mining and Metallurgical Engineers, Society of Naval Architects and Marine Engineers, or such other National or State Architectural or Engineering Societies as may be approved by the Board, the requirements for full membership in which are not lower than the requirements for full membership in the professional societies or institutes named above. Applicants for registration in cases where the evidence originally presented in the application does not appear to the Board conclusive or warranting the issuance of a certificate, may present further evidence which may include the results of a required examination, for the consideration of the Board.

In determining the qualifications of applicants for registration as architects, a majority vote of the architect members of the Board only shall be required; in determining the qualifications of applicants for registration as engineers, a majority vote of the engineer members of the Board only shall be required. Applicants for registration as architects shall be examined by architect members of the Board only and applicants for registration as engineers shall be examined by the members of the Board only. In case the Board denies the issuance of a certificate to an applicant, one-half of the registration fee deposited shall be returned by the Board to the applicant.

Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall be invalid on that date unless renewed.

It shall be the duty of the Secretary of the Board to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount of the fee required for his renewal for one year. Such notice shall be mailed at least one month in advance of the date of the expiration of said certificates. Renewal may be effected at any time during the month of December by the payment of a fee of Five Dollars (\$5.00) to the Secretary of the Board. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent (10%) for each month or a fraction of a month that payment for renewal is delayed; provided, however, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

It shall be the duty of the Board to inquire into the identity of any person or persons claiming to be an architect or engineer, and to prosecute any person or persons violating the provisions of this Act.

Sec. 10. Be It Further Enacted, That the Board shall have the power to revoke the certificate of registration of any architect or engineer registered hereunder who is found guilty of any fraud or deceit in obtaining a certificate of registration, or of gross negligence, incompetency or misconduct in the practice of architecture or engineering. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any architect or engineer registered hereunder; such charge shall be in writing and sworn to by

the complainant and submitted to the Board. Such charges, unless dismissed without hearing by the Board as unfounded or trivial, shall be heard and determined by the Board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the Board. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty days before the date fixed for the hearing, and in the event that such service cannot be effected thirty days before such hearing then the date of hearing and the date of determining shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally, and by counsel and to cross-examine witnesses against him, and to produce evidence and witnesses in his defense. If after said hearing four or more members of the Board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of architecture or engineering, the Board shall revoke the certificate of registration of accused.

The Board may reissue a certificate of registration to any person whose certificate has been revoked, provided four or more members of the Board vote in favor of such reissuance for reasons the Board may deem sufficient.

The Board shall immediately notify the Secretary of State and the Clerk of each county, town and city in the State of its findings in the case of a revocation of the certificate of registration or of its reissuance of a revoked certificate of registration.

A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules and regulations of the Board. A charge of Five Dollars (\$5.00) shall be made for such reissuance.

Sec. 11. Be It Further Enacted, That the issuance of a certificate of registration by this Board shall be evidence that the person named therein is entitled to all rights and privileges of an architect or an engineer while the said certificate remains unrevoked or unexpired.

Each registrant hereunder may, upon registration, obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend "Registered Architect" or "Registered Engineer." Plans, specifications, plats and reports issued by a registrant may be stamped with the said seal during the life of a registrant's certificate, but it shall be unlawful for anyone to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked unless said certificate shall have been renewed or reissued.

Sec. 12. Be It Further Enacted, That any person who after the Act has been in effect twelve months is not legally authorized to practice as an Architect or as Engineer in this State, according to the provisions of this Act, and shall so practice, or offer so to practice in this State, except as provided in Section 13 of this Act, and any person presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the Board, or to any member thereof, in obtaining a certificate of registration; or who shall falsely impersonate any other practitioner of like or different name, or who shall use or attempt to use an

unexpired or revoked certificate of registration shall be deemed guilty of a misdemeanor and shall for each such offense of which he is convicted be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment for three months or by both fine and imprisonment. The grand jury of each county in this State is hereby given inquisitorial power over all offenses against or violation of this Act and the Circuit and Criminal Judges shall give the same in their charges to the grand juries. And the Board shall designate its members in each grand division of the State whose duty it shall be to report any violation of this Act to the proper authorities.

Sec. 13. **Be It Further Enacted**, That the following shall be exempted from the provisions of this Act:

1. Architects or engineers who are not residents of and have no established places of business in this State when their practice does not aggregate more than fifteen days in any calendar year; provided that the said persons are legally qualified for each professional service in their own State or Country.

2. Architects or engineers who are not residents of and have no established place of business in this State, or any person resident of this State, but whose arrival in this State is recent; provided, however, such persons shall have filed application for registration as an architect or an engineer and shall have paid the fee provided for in Section 9 of this Act. Such exemption shall continue for only such reasonable time as the Board requires in which to consider and grant or deny the said application for registration.

3. Any person engaging in architectural or engineering work as an employee of a registered architect or a registered engineer, or as an employee of an architect or an engineer, authorized by paragraphs 1 and 2 of this section, provided that said work may not include responsible charge of design or supervision.

4. Architects or engineers who are not residents of, and have no established place of business in this State who are acting as consulting associates of an architect or an engineer registered under the provisions of this Act; provided, the non-resident is qualified for such professional service in his own State or Country.

5. Architects or engineers acting solely as an officer or as an employee of the United States or of any Inter-State railroad system.

6. Architects or engineers acting solely as employees of the State of Tennessee or any subdivision of the State at the time this Act becomes effective and thereafter only until the expiration of the then existing term of office of such employees. Nothing in this Act shall prevent the draftsmen, students, clerks of the work, superintendents and other employees of lawfully practicing architects and engineers under provision of this Act, from acting under the instruction, control or supervision of the employer, or to prevent the employment of superintendents on the construction, enlargement or alterations of buildings or any appurtenance thereto, or prevent such superintendents from acting under the immediate personal supervision of registered architects or engineers by whom the plans and specifications of any such building enlargements, constructions or alterations were prepared. Nor shall anything contained in this Act

prevent persons, mechanics or builders, from making plans, specifications for, or supervising the erection, enlargement or alteration of buildings, or any appurtenance thereto to be constructed by themselves or their own employees, unless the same involves the public health or safety, provided that the working drawings for such construction are signed by the authors thereof and their true appellation as "Contractor," "Carpenter," etc., without the use in any form of the title "Architect" or "Engineer."

Sec. 14. **Be It Further Enacted**, That a corporation or partnership or an individual principal may engage in the practice of architecture or engineering in this State, provided the person or persons connected with such corporation or partnership or individual principal in responsible charge of such practice is or are registered as herein required of architects and engineers, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnership as apply to individuals under this Act.

Sec. 15. **Be It Further Enacted**, That one year after this Act goes into effect, neither the State nor any township, county, city, town or village nor other political subdivision of the State shall engage in the construction or maintenance of any public work involving architecture or engineering, for which the plans, specifications and estimates have not been made by a registered architect, or a registered engineer; provided that nothing in this section shall be held to apply to such public work wherein the contemplated expenditure for the complete project does not exceed Five Thousand Dollars (\$5,000.00).

Sec. 16. **Be It Further Enacted**, That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 17. **Be It Further Enacted**, That if any section or sections of this Act shall be declared unconstitutional or invalid, this shall not invalidate any other section.

Sec. 18. **Be It Further Enacted**, That this Act shall take effect from and after its passage, the public welfare requiring it.

W. W. BOND,

Speaker of the Senate.

ANDREW L. TODD,

Speaker of the House of Representatives

A. A. TAYLOR,

Governor

Approved April 9, 1921

STATE OF VIRGINIA

VIRGINIA STATE BOARD OF EXAMINATION AND CERTIFICATION OF ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS

President—W. D. TYLER, Dante, Va.

Secretary—C. G. MASSIE, Amherst, Va.

P. B. WINFREE, Lynchburg, Va.

JAS. F. MACTIER, Roanoke, Va.

JOHN KEVAN PEEBLES, Norfolk, Va.

FISKE KIMBALL, University of Virginia, Charlottesville, Va.

W. C. NOLAND, Richmond, Va.

THOS. M. FENDALL, Leesburg, Va.

L. B. DUTROW, Petersburg, Va.

THE VIRGINIA LAW

Effective 1920

CHAP. 328, ACTS OF 1920

A BILL

TO PROVIDE FOR THE EXAMINATION AND CERTIFICATION OF
PROFESSIONAL ENGINEERS, ARCHITECTS AND LAND SUR-
VEYORS; AND TO REGULATE THE PRACTICE OF ENGINEER-
ING, ARCHITECTURE AND LAND SURVEYING.

Section 1. Within thirty days after this Act becomes effective the Governor shall appoint a State Board for the examination and certification of architects, professional engineers, and land surveyors, to be composed of three architects, three professional engineers, and three land surveyors; who shall have been in the active practice of their profession as principals or as instructors therein for not less than ten years previous to their appointment. Three of the members of said Board shall be appointed to hold office for a period of one year; one for a period of two years; one for a period of three years; one for a period of four years; one for a period of five years; one for a period of six years; and one for a period of seven years; and thereafter upon the expiration of the terms of office of the persons so appointed, the Governor shall appoint their successors for terms of seven years, and said persons so appointed shall have the above specified qualifications. In case a successor is not appointed at the expiration of the term of any member, such member shall hold office until his successor has been duly appointed and has qualified. Any vacancy occurring in the membership of said Board shall be filled by the Governor for the unexpired term.

Sec. 2. The said Board shall elect from its membership a president, and shall elect a secretary, and may make all necessary rules and regulations not inconsistent with this Act, for its own organization, and as to the professional qualifications of applicants, the requirements necessary for passing examinations, in whole or in part, and as to all things necessary or expedient for the proper conduct of its examinations and the proper discharge of its duties. A

quorum of the Board shall consist of not less than two engineers, two architects and two land surveyor members.

Sec. 3. The said Board shall hold at least one examination each year in the City of Richmond, and at such other places as the Board may designate, at such times as it may prescribe by general rule or special order. It shall issue a certificate to practice as a certified professional engineer, a certified architect, or a certified land surveyor in this State to every applicant who shall have complied with the requirements of this Act and the rules of the Board, which certificates shall be signed by at least four members of the Board.

Sec. 4. The members of said Board shall each receive as compensation ten dollars per diem for the time spent in attendance at meetings or in conducting examinations, and shall be reimbursed the amount of actual expenses incurred in the performance of their duties under this Act. The Secretary of the Board shall receive such salary as may be named by the Board. The compensation for services and expenses herein provided, however, shall not exceed the amount received as fees from applicants for certificates to practice any of the professions included by this Act.

Sec. 5. In order to defray the compensation and expenses above provided, and any other expense incident to the proper discharge of the duties of the Board, each applicant for a certificate to practice as a certified professional engineer, a certified architect or a certified land surveyor, as the case may be, in this State, shall pay the Secretary of the Board a fee of twenty dollars for each examination in any branch as defined in this Act. If any surplus accumulates from such fees over and above the sum of five hundred dollars, such surplus shall, at the end of each calendar year be, by the Secretary of the Board, paid into the literary fund of the State. An itemized account of all receipts and expenditures of the said Board shall be kept by its Secretary, and a detailed report thereof at the end of each calendar year, duly verified by affidavit of the said Secretary, shall be filed with the Auditor of Public Accounts.

Sec. 6. Any person, wishing to practice as a certified professional engineer, a certified architect, or a certified land surveyor in this State, who, before this Act becomes effective shall not have been engaged in the practice of professional engineering, architecture, or land surveying, as the case may be, in this State, shall, before being entitled to be known as a certified professional engineer, a certified architect or as a certified land surveyor, as the case may be, secure from the said Board a certificate to practice under the title of certified professional engineer, certified architect, or certified land surveyor, as provided by this Act. But any person residing in or having a place of business in this State who shall satisfy the Board that he has been engaged in the practice of professional engineering or architecture, for not less than six years, or land surveying for not less than two years before this Act takes effect, shall be granted a certificate, without examination, upon the payment to the said Board of a fee of five dollars.

Sec. 7. Any citizen of the United States or any person who has declared his intention of becoming such citizen, being at least twenty-one years of age, of good character, who has had not less than four years of practical experience

in architectural or professional engineering work, or two years in the case of land surveying, under the direction or supervision of a certified architect or a certified professional engineer, or a certified land surveyor; or of an engineer, or architect, or land surveyor of equivalent professional standing, or who is a graduate in architecture or engineering of a college or school of recognized standing may, upon the payment of the fee prescribed by this Act, apply for a certificate under this Act; but before receiving such certificate, he shall satisfactorily pass an examination in such professional subjects as may be prescribed by the Board and satisfy it as to his practical experience and general standing and ability; provided, that time spent as a student of architecture, land surveying, or engineering in a college or school of recognized standing shall be considered the equivalent of an equal amount of practical experience. In determining the qualifications of applicants for certification as architects, a majority vote of the architect members of the Board only, shall be required; in determining the qualifications of applicants for certification as professional engineers, a majority vote of the engineer members of the Board only, shall be required; and in determining the qualifications of applicants for certification as land surveyors, a majority vote of the land surveyor members of the Board only, shall be required.

Sec. 8. Nothing in this Act shall be construed as excluding any certified architect from the practice of professional engineering, or as excluding any certified professional engineer from the practice of architecture. No person shall use any of the titles certified architect, certified professional engineer, or certified land surveyor, or any other title that the Board may designate, unless he has been duly authorized to do so by the Board.

Sec. 9. The Board shall keep a record, open to public inspection at all reasonable times, of its proceedings, relating to the issuance, refusal, suspension, and revocation of certificates provided for in this Act. This record also shall contain the name, known place of business of each person certified, and the date and number of each certificate issued under the provisions of this Act.

Sec. 10. The said Board may revoke any certificate after thirty days' notice, with grant of hearing to the holder thereof, if proof satisfactory to the said Board be presented in any one or more of the following cases:

(a) In case it is shown that the certificate was obtained through fraud or misrepresentation.

(b) In case the holder of the certificate has been found guilty by said Board, or by a court of record, of any fraud or deceit in his professional practice, or has been convicted of a felony.

(c) In case the holder of the certificate has been found guilty by the said Board of gross incompetency or of recklessness in the planning or construction of work.

(d) In case it is proved to the satisfaction of the said Board that the holder of the certificate is an habitual drunkard, is habitually addicted to the use of morphine, opium, cocaine, or other drug having a similar effect. No certificate shall be revoked unless a majority of the members of the Board of the profession involved vote for such revocation.

Sec. 11. The proceeding for the revocation of a certificate granted under

this Act shall be begun by filing written charges against the accused with the said Board. A time and place for the hearing of the charges shall be fixed by the said Board. At the hearing the accused shall have the right to be represented by counsel, to introduce evidence and examine and cross-examine witnesses. The said Board shall make a written report of its findings, which report shall be filed with the Secretary of the Commonwealth, and which shall be conclusive.

Sec. 12. After six months from the date this Act becomes effective the use by any person of the title of certified professional engineer, or certified architect, or certified land surveyor, or the use of any word or letter or figures indicating or intended to imply that the person using the same is a certified professional engineer, a certified architect, or a certified land surveyor, without compliance with the provisions of this Act, shall be deemed a misdemeanor, and such person shall be punished by a fine of not more than one hundred dollars.

Sec. 13. Nothing in this Act shall be construed to exempt any professional engineer, architect, or land surveyor from the payment of any license tax imposed by existing law.

Sec. 14. Any part of this Act that is found to be unconstitutional shall not invalidate the whole Act.

Sec. 15. All laws or parts of laws in conflict with the provisions of this Act shall be, and the same are hereby repealed.

Sec. 16. Examination may, by the Board, be waived in the case of applicants to practice as certified architect, certified engineer, or certified land surveyor, in the option of the members of the Board of the profession in which application is made to practice, if the applicant be from another State or territory where the qualifications prescribed at the time of such certification were equal to those prescribed in this State, at date of application; and provided further, that a like privilege is granted in the State from which such applicant comes to applicants from this State.

STATE OF WEST VIRGINIA

WEST VIRGINIA STATE BOARD OF REGISTRATION FOR ENGINEERS

President—NATHAN H. MANAKEE, Bluefield, W. Va.

Secretary—GEO. E. TAYLOR, 504 Coyle & Richardson Building, Charleston, W. Va.

H. C. COOPER, Clarksburg, W. Va.

FRANK HAAS, Fairmont, W. Va.

C. S. MACCALLA, General Manager Virginia Power Co.

THE WEST VIRGINIA LAW

Effective July 27, 1921

(Text of Bill as Passed)

BE IT ENACTED BY THE LEGISLATURE OF WEST VIRGINIA:

THAT THE PROFESSION OF ENGINEERING BE REGULATED, AND
THAT THERE BE CREATED A STATE BOARD OF REGISTRATION, AND THAT THE RULES AND REGULATIONS AND PENALTIES FOR VIOLATION THEREOF SHALL BE AS FOLLOWS:

Section 1. In order to safeguard life, health and property, any person practicing or offering to practice as a professional engineer in this state shall hereafter be required to submit evidence that he is qualified so to practice, and shall be registered as hereinafter provided, and from and after six months after this act becomes effective, it shall be unlawful for any person to practice or to offer to practice in this state as a professional engineer, hereinafter called engineer, except under the provisions thereof.

Sec. 2. Nothing in this act shall be construed as requiring registration by an individual, firm or corporation for the purpose of practicing engineering on property owned or leased by said individual, firm or corporation, nor as requiring registration by any person, who prior to the time of the passage of this act was engaged in the practice of engineering; *provided, however*, such person shall not represent himself as, or use the title of "registered professional engineer" unless such person is qualified by registration under this act.

Sec. 3. To carry out the provisions of this act there is hereby created a state board of registration for engineers, hereinafter called the board, consisting of five members, who shall be appointed by the governor within thirty days after this act becomes effective. All members shall be registered engineers. Not more than one member of said board shall be from the same branch of the profession of engineering. The members of the first board shall be appointed to serve for the following terms: two members for one year; two members for two years; one member for three years; said terms ending on the thirtieth day of June of the succeeding years. On the expiration of each of said terms, the term of office of each newly appointed or reappointed member of the board shall be for a period of four years and shall terminate on the thirtieth day of June. Each member shall hold over after the expiration of his term until his successor shall have been duly appointed and qualified. The governor may

remove any member of the board at his will and pleasure. Vacancies in the membership of the board, however created, shall be filled by appointment by the governor for the unexpired term. The chief office of said board shall be at the capitol.

Sec. 4. Each member of the board shall be a citizen of the United States and a resident of this state at the time of his appointment. He shall have been engaged in the practice of his profession for at least five years and shall have been in responsible charge of work for at least three years. He shall be a member in good standing of a recognized society of engineers, and except as provided in section five shall be a registered engineer.

Sec. 5. Each member of the board shall receive a certificate of appointment from the governor, and before beginning his term of office he shall file with the secretary of state the constitutional oath of office. Each member of the board first created shall receive a certificate of registration under this act from the governor of the state. The board or any committee thereof shall be entitled to the services of the attorney general, in connection with the affairs of the board first created shall receive a certificate of registration under this act, may administer oaths and may take testimony and proofs concerning all matters within its jurisdiction. The board shall adopt and have an official seal which shall be affixed to all certificates of registration granted; and shall make by-laws and rules not inconsistent with law needed in performing its duty.

Sec. 6. The board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such times as the by-laws of the board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The board shall elect annually from its members a president and a secretary. A quorum of the board shall consist of not less than three members.

Sec. 7. The secretary of the board shall receive and account for all moneys derived from the operation of this act and shall pay them to the state treasurer, who shall keep such moneys in a separate fund to be known as the "Fund of the board of registration for engineers," which fund shall be continued from year to year and shall be drawn against only for the purpose of this act as herein provided.

Each member of the board shall receive ten dollars per day for attending sessions of the board or of its committees, and for the time spent in necessary travel, and, in addition, shall be reimbursed for all necessary traveling, incidental and clerical expenses incurred in carrying out the provisions of this act. All expenses certified by the board as properly and necessarily incurred in the discharge of its duties, including authorized compensations, shall be paid out of said fund on the warrant of the auditor of the state issued on requisitions signed by the chairman and the secretary of the board; *provided, however*, that at no time after this Act shall have been in effect for one year shall the total of warrants issued exceed the total amount of funds accumulated under this act. The secretary of the board shall give a surety bond satisfactory to the state treasurer conditioned upon the faithful

performance of his duties. The premium on said bond shall be regarded as a proper and necessary expense of the board.

Sec. 8. The board shall keep a record of its proceedings and a register of all applicants for registration showing for each, the date of application, name, age, educational and other qualifications, place of business and place of residence, whether or not an examination was required and whether the applicant was rejected, or a certificate of registration granted, and the date of such action. The books and register of the board shall be *prima facie* evidence of all matters recorded therein. A roster showing the names and places of business and of residence of all registered engineers shall be prepared by the secretary of the board during the month of July of each year; such roster shall be printed out of the funds of the board as provided in section seven. On or before the thirtieth day of September of each year the board shall submit to the governor a report of its transactions for the preceding year, together with a complete statement of the receipts and expenditures of the board, certified by the president and the secretary, and a copy of the said roster of registered engineers. A copy of this report shall be filed with the secretary of state.

Sec. 9. The board shall, on application therefor on prescribed form, and the payment of a fee of twenty dollars, issue a certificate of registration as an engineer.

(a) To any person who submits evidence satisfactory to the board that he is fully qualified to practice engineering.

(b) To any person who holds a like unexpired certificate of registration issued to him by proper authority in the district of Columbia, in any state or territory of the United States, or in any province of Canada, in which the requirements for the registration of engineers are of a standard satisfactory to the board.

Provided, however, that no person shall be eligible for registration who is under twenty-one years of age, who is not a citizen of the United States or Canada, or who has not made declaration of his intention to become a citizen of the United States, who does not speak and write the English language, who is not of good character and repute, and who has not been actively engaged for six or more years in engineering work of a character satisfactory to the board. However, each year of teaching, or of study satisfactory completed of engineering in a school of engineering of standing satisfactory to the board, shall be considered equivalent to one year of such active engagement.

Unless disqualifying evidence be before the board, the following facts established in the application shall be regarded as *prima facie* evidence satisfactory to the board, that the applicant is fully qualified to practice engineering;

(a) Ten or more years of active engagement in engineering or land surveying work;

(b) Graduation, after a course of not less than four years in engineering, from a school or college approved by the board as of satisfactory standing, and an additional four years of active engagements in engineering;

(c) Full membership in the American Association of Engineers, American Institute of Chemical Engineers, American Society of Civil Engineers, American Institute of Electrical Engineers, American Society of Mechanical Engineers, American Institute of Mining and Metallurgical Engineers, Society of Naval Architects and Marine Engineers, or such other national or State engineering societies as may be approved by the board, the requirements for full membership in which are not lower than the requirements for full membership in the professional societies named above.

Applicants for registration, in cases where the evidence originally presented in the application does not appear to the board conclusive or warranting the issuance of a certificate, may present further evidence, which may include the results of a required examination, for the consideration of the board.

In determining the qualifications of applicants for registration a majority vote only of the board shall be required.

In case the board denies the issuance of a certificate to an applicant, the registration fee deposited shall be returned by the board to the applicant.

Certificates of registration shall expire on the thirtieth day of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify by mail every person registered hereunder of the date of the expiration of his certificate and the amount of the fee required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of June by payment of a fee of ten dollars. The failure on the part of any registrant to renew his certificate annually in the month of June as required above shall not deprive such person of the right of renewal thereafter, but the fee to be paid for the renewal of a certificate after the month of June shall be increased ten per cent for each month, or fraction of a month, that payment for renewal is delayed; *provided, however*, that the maximum fee for a delayed renewal shall not exceed twice the normal fee.

Sec. 10. The board shall have the power to revoke the certificate of registration of any engineer registered hereunder who is found guilty of any fraud or deceit in obtaining a certificate of registration or of gross negligence, incompetency or misconduct in the practice of engineering. Any person may prefer charges of such fraud, deceit, negligence, incompetency or misconduct against any engineer registered hereunder; such charges shall be in writing and sworn to by the complainant and submitted to the board. Such charges unless dismissed without hearing by the board as unfounded or trivial, shall be heard and determined by the board within three months after the date on which they are preferred. A time and place for such hearing shall be fixed by the board. A copy of the charges, together with a notice of the time and place of hearing, shall be legally served on the accused at least thirty days before the date fixed for such hearing, and in the event that such service can not be effected thirty days before such hearing then the date of hearing and determination shall be postponed as may be necessary to permit the carrying out of this condition. At said hearing the accused shall have the right to appear personally and by counsel and to cross-examine witnesses

against him and to produce evidence and witnesses in his defense. If after said hearing three or more members of the board vote in favor of finding the accused guilty of any fraud or deceit in obtaining a certificate, or of gross negligence, incompetency or misconduct in the practice of engineering, the board shall revoke the certificate of registration of the accused.

The board may re-issue a certificate of registration to any person whose certificate has been revoked, provided there or more members of the board vote in favor of such re-issuance for reasons the board deem sufficient.

The board shall immediately notify the secretary of state and the clerk of each county, town, and city in the state, of its findings in the case of the revocation of a certificate of registration or of its re-issuance of a revoked certificate of registration.

A new certificate of registration to replace any certificate lost, destroyed or mutilated, may be issued, subject to the rules and regulations of the board. A charge of one dollar shall be made for such re-issuance.

Sec. 11. The issuance of a certificate of registration by this board shall be evidence that the person named therein is entitled to all rights and privileges of a registered engineer while the said certificate remains unrevoked or unexpired.

Each registrant hereunder may, upon registration, obtain a seal of the design authorized by the board, bearing the registrant's name and the legend "Registered Professional Engineer;" Plans, specifications, plats and reports issued by a registrant may be stamped with the said seal during the life of registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired, or has been revoked unless said certificate shall have been renewed or re-issued.

Sec. 12. Any person who, after this act has been in effect six months, is not legally authorized to practice as an engineer in this state according to the provisions of this act and shall so practice, or offer so to practice in this state except as provided in section thirteen of this act, and any one presenting or attempting to file as his own the certificate of registration of another, or who shall give false or forged evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration, or who shall falsely impersonate any other practitioner, of like or different name, or who shall use or attempt to use an expired or revoked certificate of registration, shall be deemed guilty of a misdemeanor and shall, for each such offense of which he is convicted, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment for three months, or by both fine and imprisonment.

Sec. 13. The following shall be exempted from the provisions of this act:

(a) Persons offering to practice in this state as an engineer, by any one not a resident of and having no established place of business in this state.

(b) Practice as an engineer in this state by any person not a resident of and having no established place of business in this state, when this practice does not aggregate more than thirty days in any calendar year; *provided*,

that said person is legally qualified for such professional service in his own state or country.

(c) Practice as an engineer in this state by any person not a resident of and having no established place of business in this state, or any person resident in this state, but whose arrival in the state is recent; *provided, however*, such person shall have filed an application for registration as an engineer, and shall have paid the fee provided for in section nine of this act. Such exemption shall continue for only such reasonable time as the board requires in which to consider and grant or deny the said application for registration.

(d) Engaging in engineering work as an employee of a registered engineer, or as an employee of an engineer, authorized by paragraphs two and three of this section; *provided*, that said work may not include responsible charge of design or supervision.

(e) Practice of engineering by any person not a resident of and having no established place of business in this state, as a consulting associate of an engineer registered under the provisions of this act; *provided*, the non-resident is qualified for such professional service in his own state or country.

(f) Practice of engineering solely as an officer or as an employee of the United States or of a common carrier engaged in interstate business.

(g) Practice of engineering solely as an employee of this state or any political subdivision thereof, or of any corporation, firm or individual when such engineer's time is devoted exclusively to such employment, and such engineer does not offer his services to the public generally for hire.

(h) Any engineer who shall not represent himself as, or use the title of, "Registered Professional Engineer," unless such person is qualified by registration under this act.

Sec. 14. A corporation or partnership may engage in the practice of engineering in this state provided the person or persons connected with such corporation or partnership in responsible charge of such practice is or are registered as herein required of engineers, or is or are otherwise authorized to practice. The same exemptions shall apply to corporations and partnerships as apply to individuals under this act.

Sec. 15. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

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